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Commission on Crime Prevention and Criminal Justice

Report on the Seventh Session (21-30 April 1998)

Economic and Social Council

Official Records, 1998

Supplement No. 10

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SUMMARY

At its seventh session, the Commission on Crime Prevention and Criminal Justice recommended the adoption of three draft resolutions by the General Assembly and nine draft resolutions and two draft decisions by the Economic and Social Council. In addition, it adopted one resolution to be brought to the attention of the Council.

DRAFT RESOLUTIONS TO BE APPROVED BY THE ECONOMIC AND SOCIAL COUNCIL FOR ADOPTION BY THE GENERAL ASSEMBLY

In draft resolution I on the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the General Assembly would accept with gratitude the invitation of the Government of Austria to host the Tenth Congress and would decide to hold the Tenth Congress from 10 to 17 April 2000. The Assembly would approve the provisional agenda for the Tenth Congress and would endorse its programme of work. In addition, the Assembly would decide that the theme of the Tenth Congress should be "Crime and justice: meeting the challenges of the twenty-first century".

In draft resolution II on transnational organized crime, the General Assembly would welcome with appreciation the report of the meeting of the group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against transnational organized crime, held at Warsaw from 2 to 6 February 1998. The Assembly would decide to establish an ad hoc open-ended intergovernmental committee for the purpose of elaborating such a convention and discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and the illegal trafficking in and transporting of migrants, including by sea. The Assembly would also decide to accept the recommendation of the Commission to elect Luigi Lauriola (Italy) as the Chairman of that committee.

In draft resolution III on mutual assistance and international cooperation in criminal matters, the General Assembly would decide that the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex) should be complemented by the provisions set forth in annex I to that draft resolution. The Assembly would encourage Member States, within the framework of national legal systems, to enact effective legislation on mutual assistance and would invite them to take into account the Model Treaty in negotiating treaties at the bilateral, regional or multilateral level, as appropriate.

DRAFT RESOLUTIONS AND DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

In draft resolution I on action against corruption, the Economic and Social Council would request the Secretary-General, in his efforts to update the manual prepared by the Secretariat on practical measures against corruption, to include a section describing recent developments in combating corruption. The Council would decide to convene an open-ended meeting of governmental experts to explore means of ensuring that an appropriate international strategy against corruption, including the proceeds thereof, is formulated in consultation with other intergovernmental organizations active in that area.

In draft resolution II on regulation of explosives for the purpose of crime prevention and public health and safety, the Council would decide that a study should be initiated on illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes. It would request the Secretary-General to prepare an action plan for collecting, reviewing and exchanging statistics, other information and policy proposals on criminal incidents involving explosives, the diversion of explosives for criminal use, the status of national legislation and regulations on explosives and initiatives for the regulation of explosives at the regional and international levels.

In draft resolution III on measures to regulate firearms for the purpose of combating illicit trafficking in firearms, the Council would welcome the results of the United Nations International Study on Firearm Regulation and would recommend that States work towards the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime.

In draft resolution IV on action against illegal trafficking in migrants, including by sea, the Council would recognize the importance of elaborating an efficient legal instrument combating all aspects of transnational organized crime, for example illegal trafficking in and transporting of migrants, including by sea, having due regard to universally recognized human rights.

In draft resolution V on action to combat international trafficking in women and children, the Council would stress the need for States to take effective and expeditious measures to provide penalties in order to combat all aspects of organized criminal activities related to trafficking at the international level in women and children and would stress the importance of sharing information in order to locate and arrest those who organize trafficking in women and children, as well as those who exploit those trafficked. The Council would also stress the need for States to provide training for law enforcement, immigration and other officers and to initiate public information campaigns. The Council would further stress the need for countries of origin, transit and destination to observe fully international obligations and national laws, including those concerning the humane treatment and strict observance of all human rights of women and children, regardless of whether they were trafficked voluntarily or involuntarily. The Council would further stress the need for strengthened international cooperation and technical assistance.

In draft resolution VI on United Nations standards and norms in crime prevention and criminal justice, the Council would request the Secretary-General to continue gathering information on the use and application of United Nations standards and norms in crime prevention and criminal justice. It would welcome the increased number of technical assistance projects in the field of juvenile justice, as well as the establishment of a coordination panel on technical advice and assistance in juvenile justice to coordinate activities in the field of juvenile justice within the United Nations. The Council would reaffirm that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and would request the Centre to continue providing technical assistance in the field of juvenile justice. In addition, the Council would welcome the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration. The Council would request the Secretary-General: (a) to seek the views of Member States on the desirability and feasibility of establishing an international fund for victims of crime and abuse of power in order to support, *inter alia*, technical assistance to develop or strengthen victim support services and organizations; (b) to convene a working group on that matter; and (c) to seek the views of Member States on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to that draft resolution.

In draft resolution VII on the status of foreign citizens in criminal proceedings, the Council would urge Member States that have not yet done so: to carefully examine whether foreign citizens under criminal prosecution are guaranteed universally recognized rights with regard to criminal prosecution at all stages of proceedings; to ensure that individuals are not subjected to more severe custodial penalties or inferior prison conditions in a State solely because they are not nationals of that State; to undertake the necessary arrangements to ensure that any foreign citizen subject to criminal proceedings whose native language is not that of the State conducting the proceedings and who for that reason is unable to understand the nature of the proceedings has access throughout his or her trial to the services of a suitable interpreter in his or her native language; to make available alternative penal sentences or administrative penalties to foreign citizens as well as to nationals; and to intensify efforts to implement applicable international instruments, such as the Vienna Convention on Consular Relations, concerning notification to consular authorities of the detention of their citizens.

In draft resolution VIII on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing, the Council would urge Member States, if they have not yet done so, to consider introducing appropriate alternatives to imprisonment in their criminal justice systems. The Council would recommend to Member States that have not yet done so to consider the adoption of effective measures to reduce pre-trial detention. The Council would also recommend to Member States to consider dealing with petty offences by using amicable means of settlement, for example, mediation, acceptance of civil reparation or agreement to compensation, and to consider using non-custodial measures to imprisonment, such as community services, rather than imprisonment. The Council would invite international and regional financial institutions, such as the World Bank and the International Monetary Fund, to incorporate in their technical assistance programmes measures to reduce prison overcrowding.

In draft resolution IX on technical cooperation and advisory services in crime prevention and criminal justice, the Council would take note of the success of the Centre for International Crime Prevention in focusing its technical cooperation activities in those subject areas specifically mandated by the Commission. The Council would express its appreciation to the Centre for assisting Member States in achieving positive results in the improvement of their criminal justice systems. The Council would commend the increased cooperation between the Centre, the United Nations Development Programme and the United Nations Office for Project Services and would welcome the close cooperation between the Centre and the United Nations International Drug Control Programme. The Council would express its concern at the fact that lack of adequate resources may impede progress in the operationalization of the United Nations Crime Prevention and Criminal Justice Programme and would call upon potential donors and relevant funding agencies to make significant and regular financial contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the Programme. The Council would request the Executive Director of the Office for Drug Control and Crime Prevention to enter into discussions with the Administrator of the United Nations Development Programme with a view to having the Centre recognized as an executing agency.

In draft decision I, on the report of the Commission on Crime Prevention and Criminal Justice on its seventh session and provisional agenda and documentation for the eighth session of the Commission, the Council would approve the provisional agenda and documentation for the eighth session of the Commission.

In draft decision II, on the appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute, the Council would decide to endorse the appointment by the Commission of Setsuo Miyazawa and Alejandro Reyes Posada to the Board of Trustees of the Institute.

RESOLUTION ADOPTED BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

In its resolution 7/1, on strategic management by the Commission of the United Nations Crime Prevention and Criminal Justice Programme, the Commission welcomed the reorganization of the Crime Prevention and Criminal Justice Division of the Secretariat as the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat. It also welcomed the establishment of the Office for Drug Control and Crime Prevention as the focal point for the integrated efforts of the United Nations in drug control, crime prevention and combating international terrorism. The Commission expressed its appreciation for the efforts of the Secretariat to give effect to the reform measures of the Secretary-General, taking into account the previous recommendations of the Commission on streamlining its agenda and reporting requirements, as well as the recommendations of the informal working group that had undertaken a review of the programme mandates and resources and the recommendations of the Office of Internal Oversight Services on the review of programme management in the Crime Prevention and Criminal Justice Division. The Commission reaffirmed the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the United Nations Crime Prevention and Criminal Justice Programme. It requested the Centre to strengthen its oversight function with regard to the institutes of the Programme network. It decided to mainstream a gender perspective into all its activities and requested the Secretariat to integrate a gender perspective into all activities of the Centre. It called upon the Secretary-General to further strengthen the resources of the Centre, in line with the priorities of the United Nations as set out in the medium-term plan for the period 1998-2001, and to pursue his efforts to redeploy savings in administration and conference services to the highest-priority programmes, including the United Nations Crime Prevention and Criminal Justice Programme, for support to operational activities. The Commission also emphasized that all activities envisaged in the resolutions adopted by it must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if that was not possible, through extrabudgetary funds, including voluntary contributions.

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A . Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

DRAFT RESOLUTION I

Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[*]

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling its resolution 52/91 of 12 December 1997, on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Tenth Congress is to be convened in the year 2000,

Recalling Economic and Social Council resolution 1993/32 of 27 July 1993 and the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, annexed to that resolution,

Emphasizing the role of the Tenth Congress as a consultative body of the United Nations Crime Prevention and Criminal Justice Programme, in accordance with paragraph 29 of the statement of principles and programme of action of the Programme, annexed to General Assembly resolution 46/152,

Aware of the important work to be accomplished by the regional preparatory meetings for the Tenth Congress,

Stressing the importance of undertaking all the preparatory activities for the Tenth Congress in a timely and concerted manner,

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[*] For the discussion, see chapter II. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

Having considered the report of the Secretary-General on the progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[1]

1. *Accepts with gratitude* the invitation of the Government of Austria to host the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at Vienna;

2. *Decides* to hold the Tenth Congress from 10 to 17 April 2000, with pre-congress consultations to be held on 9 April 2000;

3. *Approves* the following provisional agenda for the Tenth Congress, finalized by the Commission on Crime Prevention and Criminal Justice at its seventh session:

    1. Opening of the Congress

    2. Organizational matters

    3. Promoting the rule of law and strengthening the criminal justice system

    4. International cooperation in combating transnational crime: new challenges in the twenty-first century

    5. Effective crime prevention: keeping pace with new developments

    6. Offenders and victims: accountability and fairness in the justice process

    7. Adoption of the report of the Congress;

4. *Takes note* that the Commission, at its seventh session, reviewed a discussion guide for the regional preparatory meetings for the Tenth Congress;

5. *Endorses* the programme of work for the Tenth Congress, including the holding of four practically oriented, technical workshops on the following subjects:

    (a) Combating corruption;

    (b) Crimes related to the computer network;

    (c) Community involvement in crime prevention;

    (d) Women in the criminal justice system;

6. *Decides* that the theme of the Tenth Congress should be "Crime and justice: meeting the challenges of the twenty-first century";

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[1] E/CN.15/1998/2.

7. *Emphasizes* the importance of the workshops and invites Member States, non-governmental organizations and other relevant entities to support financially, organizationally and technically the preparations for the workshops, including the preparation and circulation of relevant background material;

8. *Welcomes* the offer of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist in the preparations for the workshops;

9. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops;

10. *Encourages* Governments to undertake preparations for the Tenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to actively participating in the organization and follow-up of the workshops;

11. *Decides*, without prejudice to the current preparatory arrangements for the Tenth Congress, to streamline and minimize the costs of the preparation and servicing of the regional preparatory meetings by shortening their duration and limiting their documentation, by holding them in conjunction with other regional meetings or, if they are not absolutely necessary, by not convening them at all;

12. *Also decides* that the savings achieved should be used in servicing meetings and supporting the priority programme activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

13. *Requests* the Secretary-General:

(a) To undertake the necessary logistic steps, in collaboration with Member States and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to mobilize the participation of interested partners in the preparations for the four workshops;

(b) To ensure, in collaboration with Member States, a wide and effective programme of public information related to the preparations for the Tenth Congress, to the Congress itself and to the implementation of its conclusions;

14. *Requests* the Commission, as the preparatory body for the United Nations congresses on the prevention of crime and the treatment of offenders, to accord high priority, at its eighth session, to the finalization in good time of all the necessary organizational and substantive arrangements;

15. *Also requests* the Commission at its eighth session to prepare a draft declaration for submission to the Tenth Congress, taking into account the results of the regional preparatory meetings;

16. *Urges* the regional preparatory meetings to examine the substantive agenda items and workshop topics of the Tenth Congress and to make action-oriented recommendations to serve as a basis for the draft declaration to be considered by the Commission at its eighth session;

17. *Requests* the Tenth Congress to elaborate a single declaration containing its recommendations on the various substantive items of its agenda with a view to submitting it to the Commission for consideration at its ninth session;

18. *Decides* that the Commission, at its tenth session, should undertake a review of the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, including the issue of regional preparatory meetings;

19. *Requests* the Secretary-General to ensure proper follow-up of the present resolution and to report thereon to the General Assembly through the Commission at its eighth session.

DRAFT RESOLUTION II

Transnational organized crime[*]

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling its resolutions 49/159 of 23 December 1994 and 52/85 of 12 December 1997,

Taking note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,[2] the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption, adopted by the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997,[3] and the Manila Declaration on the Prevention and Control of Transnational Crime, adopted by the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998,[4]

Convinced of the importance of continuous action by Member States aimed at the full implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[5]

Convinced also of the need to proceed expeditiously with the elaboration of a convention against transnational organized crime,

Mindful of the fact that, pursuant to Economic and Social Council decision 232 of 21 July 1997, the theme for the seventh session of the Commission on Crime Prevention and Criminal Justice was "Organized transnational crime",

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[*] For the discussion, see chapter V.

[2] E/CN.15/1996/2/Add.1, annex.

[3] E/CN.15/1998/6/Add.1, chap. I.

[4] E/CN.15/1998/6/Add.2, chap. I.

[5] A/49/748, annex, chap. I, sect. A.

1. *Takes note* of the report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;[6]

2. *Expresses its appreciation* to the Government of Poland for acting as host to the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998;

3. *Welcomes with appreciation* the report of the meeting of the group of experts;[7]

4. *Urges* Member States to continue making every possible effort to fully implement the Naples Political Declaration and Global Action Plan by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention;

5. *Requests* the Secretary-General to continue his work on the development and maintenance of the central repository established pursuant to Economic and Social Council resolution 1996/27 of 24 July 1996;

6. *Urges* Member States to respond promptly to the requests of the Secretary-General for data, other information and material, including legislation and pertinent regulatory texts, submitting such information and material in accordance with annex II contained in Economic and Social Council resolution 1997/22 of 21 July 1997, in order to facilitate the work of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

7. *Requests* the Secretary-General to continue his work on the elaboration of training manuals for law enforcement and judicial personnel on action against transnational organized crime;

8. *Also requests* the Secretary-General to intensify his efforts to identify and allocate within the overall budget of the United Nations adequate resources for strengthening the capacity of the Centre for International Crime Prevention in order to assist Member States in the full implementation of the Naples Political Declaration and Global Action Plan;

9. *Further requests* the Secretary-General to continue providing Member States with technical cooperation, advisory services and other forms of assistance on request in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime;

10. *Decides* to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea;

11. *Welcomes with appreciation* the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee at Buenos Aires from 31 August to 4 September 1998, in order to enable the continuation of the work on the elaboration of the convention without interruption;

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[6] E/CN.15/1998/6.

[7] E/CN.15/1998/5.

12. *Requests* the Secretary-General to convene a meeting of the ad hoc committee at Vienna from 18 to 29 January 1999 and to consider the possibility of convening a second meeting before the eighth session of the Commission on Crime Prevention and Criminal Justice, if this proves necessary to advance the process;

13. *Decides* to accept the recommendation of the Commission to elect Luigi Lauriola (Italy) as the Chairman of the ad hoc committee;

14. *Requests* the ad hoc committee, in carrying out its work pursuant to paragraph 10 above, to take into account the report of the inter-sessional open-ended intergovernmental group of experts established pursuant to General Assembly resolution 52/85,[8] the report of the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, including its appendices,[9] and Economic and Social Council resolutions [E/CN.15/1998/L.3/Rev.1], [E/CN.15/1998/L.6/Rev.1] and [E/CN.15/1998/L.7/Rev.2];

15. *Requests* the Secretary-General to provide the necessary resources to convene, support and follow up the work of the ad hoc committee;

16. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the work of the ad hoc committee;

17. *Requests* the ad hoc committee to submit a progress report to the Commission at its eighth session and to hold a meeting during that session for at least three working days.

DRAFT RESOLUTION III

Mutual assistance and international cooperation in criminal matters[*]

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Bearing in mind that the United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in criminal justice must be regularly reviewed and revised to ensure that the specific contemporary problems of fighting crime are effectively addressed,

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[*] For the discussion, see chapter V. Regarding financial implications all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

[8] E/CN.15/1998/5.

[9] *Official Records of the Economic and Social Council, 1998, Supplement No. 8* (E/1998/28), annex III.

Bearing in mind that developing countries and countries with economies in transition may lack the resources for developing and implementing treaties on mutual assistance in criminal matters,

Convinced that complementing and supplementing the United Nations model treaties will contribute to increased efficiency in combating criminality,

Recalling its resolution 45/117 of 14 December 1990, in which it adopted the Model Treaty on Mutual Assistance in Criminal Matters, annexed to that resolution,

Recalling also its resolution 52/88 of 12 December 1997,

Commending the work of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998, to implement in part General Assembly resolution 52/88 by proposing complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters, elements for model legislation on mutual assistance in criminal matters, and training and technical assistance for national officials engaged in that field,

Commending also the Government of the United States of America for hosting the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, for its substantial contribution to the organization of the Meeting and for the support given by the National Institute of Justice of the United States Department of Justice through the programme of the United Nations On-line Crime and Justice Clearing House,

1. *Welcomes* the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998;[10]

2. *Decides* that the Model Treaty on Mutual Assistance in Criminal Matters should be complemented by the provisions set forth in annex I to the present resolution;

3. *Encourages* Member States, within the framework of national legal systems, to enact effective legislation on mutual assistance and calls upon the international community to give all possible assistance in order to contribute to the achievement of that goal;

4. *Requests* the Secretary-General to elaborate, in consultation with Member States, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation on mutual assistance in criminal matters, in order to enhance effective cooperation between States, taking into account the elements recommended by the Expert Group on Mutual Assistance in Criminal Matters for inclusion in such model legislation, which are set forth in annex II to the present resolution;

5. *Invites* Member States to take into account the Model Treaty on Mutual Assistance in Criminal Matters in negotiating treaties at the bilateral, regional or multilateral level, as appropriate;

6. *Invites* Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the application of treaties on mutual assistance in criminal matters or other arrangements for such mutual assistance:

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[10] E/CN.15/1998/7, annex.

(a) Establishing or designating a national central authority or authorities to process requests for assistance;

(b) Undertaking regular reviews of their treaties on mutual assistance in criminal matters or other arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating established and emerging forms of crime;

(c) Concluding asset-sharing arrangements as a means of enabling forfeited proceeds of crime to be used to strengthen the capacity of national criminal justice systems and contributing a part of such proceeds to programmes such as those aimed at enhancing national capacities for fighting crime in developing countries and in countries with economies in transition, paying due consideration to the rights of bona fide third parties;

(d) Making use of videoconferencing and other modern means of communications for, *inter alia*, transmission of requests, consultation between central authorities, taking testimony and statements, and training;

7. *Encourages* Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to strengthen mutual assistance mechanisms, such as specialized training and, whenever possible, secondment and exchanges of relevant personnel, and to consider the use of videoconferencing and other modern means of communications for training purposes;

8. *Reiterates* its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and, in particular, to mutual assistance in criminal matters, as well as updated information on central authorities designated to deal with requests;

9. *Requests* the Secretary-General:

(a) To regularly update and disseminate the information mentioned in paragraph 8 above and, in particular, to prepare, for use by Member States, a directory of central authorities responsible for mutual legal assistance, drawing on the information already collected during the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in drafting and implementing appropriate national legislation, developing and implementing bilateral, subregional, regional or international treaties on mutual assistance in criminal matters, drawing on the expertise of Member States as appropriate;

(c) To provide, in cooperation with interested Member States and relevant intergovernmental organizations, training on mutual assistance law and practice for personnel in appropriate governmental agencies and for central authorities of requesting Member States in an effort to develop the necessary skills and to improve communication and cooperation aimed at enhancing the effectiveness of mutual assistance mechanisms;

10. *Requests* the Secretary-General, in cooperation with interested Member States, relevant intergovernmental organizations and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

11. *Commends* the International Institute of Higher Studies in Criminal Sciences of Siracusa, Italy, for its offer to organize and host up to two training seminars for mutual assistance officials and invites interested Member States to provide voluntary contributions to offset the travel costs of officials from developing countries and from countries with economies in transition and to make substantive contributions to the seminars;

12. *Urges* Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

13. *Requests* the Secretary-General to ensure the full implementation of the provisions of the present resolution.

ANNEX I

Complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters

Article 1

1. In paragraph 3 (*b*), replace the words "Optional Protocol to" with the words "article 18 of".

Article 3

2. In the title of article 3 replace the word "competent" with the word "central".

3. Insert the word "central" before the word "authority".

4. Add the following footnote to the end of article 3:

> "Countries may wish to consider providing for direct communications between central authorities and for the central authorities to play an active role in ensuring the speedy execution of requests, controlling quality and setting priorities. Countries may also wish to agree that the central authorities are not the exclusive channel for assistance between the Parties and that the direct exchange of information should be encouraged to the extent permitted by domestic law or arrangements."

Article 4

5. In the footnote to paragraph 1, replace the last sentence with the following:

> "Countries may wish, where feasible, to render assistance, even if the act on which the request is based is not an offence in the requested State (absence of dual criminality). Countries may also consider restricting the requirement of dual criminality to certain types of assistance, such as search and seizure."

6. In paragraph 1 (*d*) delete the words "that is subject to investigation or prosecution in the requested State or".

7. Add the following footnote to the end of paragraph 4:

"States should consult in accordance with article 20 before assistance is refused or postponed."

Article 5

8. Add the following footnote to the end of paragraph 2:

"Countries may wish to provide that the request may be made by modern means of communication, including in particularly urgent cases verbal requests that are confirmed in writing forthwith."

Article 6

9. Add the following footnote to the end of article 6:

"The requested State should secure such orders, including judicial orders, as may be necessary for the execution of the request. Countries may also wish to agree, in accordance with national legislation, to represent or act on behalf or for the benefit of the requesting State in legal proceedings necessary to secure such orders."

Article 8

10. Add the following words to the end of the footnote to article 8:

", or restrict use of evidence only where the requested State makes an express request to that effect."

11. Add the following words to the beginning of article 8: "Unless otherwise agreed,"

Article 11

12. Add the following footnote to the end of paragraph 2:

"Wherever possible and consistent with the fundamental principles of domestic law, the Parties should permit testimony, statements or other forms of assistance to be given via video link or other modern means of communication and should ensure that perjury committed under such circumstances is a criminal offence."

Article 12

13. In the English version of paragraph 1, replace the word "required" with the words "called upon".

14. Add the following footnote to the end of the article:

"Some countries may wish to provide that a witness who is testifying in the requesting State may not refuse to testify on the basis of a privilege applicable in the requested State."

New article 18

15. Insert as new article 18, entitled "Proceeds of crime", paragraphs 1 to 6 of the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime and delete the remaining text of the Optional Protocol, including the footnotes.

16. Replace the word "Protocol" with the word "article" throughout the new article.

17. Add the following footnote to the end of the title of the new article:

> "Assistance in forfeiting the proceeds of crime has emerged as an important instrument in international co-operation. Provisions similar to those outlined in the present article appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that could be considered is the need for other provisions dealing with issues related to bank secrecy. Provisions could be made for the equitable sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis."

18. Add the following footnote to the end of paragraph 5:

> "The Parties might consider widening the scope of the present article by the inclusion of references to victims' restitution and the recovery of fines imposed as a sentence in a criminal prosecution."

Articles 18-21

19. Renumber the former article 18 (it should become article 19) and renumber all subsequent articles accordingly.

ANNEX II

Elements recommended for inclusion in model legislation on mutual assistance in criminal matters

A. General recommendation

1. Model legislation on mutual assistance in criminal matters should reflect in statutory terms the general provisions of the Model Treaty on Mutual Assistance in Criminal Matters, together with the recommendations contained in annex I above. To the extent possible, it should provide different options for States with different legal systems. Where relevant, it should take into account provisions of the model bill on mutual assistance in criminal matters developed in 1998 by the United Nations International Drug Control Programme.

B. Scope

2. The model legislation should provide a full range of flexible options for assuming mutual assistance obligations. When there is a treaty on mutual assistance in criminal matters, the terms of that treaty should govern the relationship. The legislation should also permit mutual assistance to be provided without a treaty, with or without reciprocity.

C. Jurisdiction

3. The model legislation could contain provisions to provide for jurisdiction, *inter alia*:

(a) To issue judicial orders necessary for executing mutual assistance requests;

(b) To authorize the requested State to act on behalf or for the benefit of, or to represent the interests of, the requesting State in legal proceedings necessary for executing mutual assistance requests;

(c) To punish perjury committed during mutual assistance, in particular perjury committed during videoconferencing.

D. Procedure

4. The model legislation should include options for procedures dealing with both incoming and outgoing requests for assistance in criminal matters. Such procedures should be in conformity with, whenever applicable, international and regional human rights instruments. Where no treaty provision is applicable, the legislation could also contain provisions on specific forms of mutual assistance, including testimony and other forms of cooperation carried out via video link, cooperation in asset seizure and forfeiture, and temporary transfer of witnesses in custody.

5. The model legislation could provide for the establishment of a central authority or authorities for the receipt and transmission of requests and the provision of advice and assistance to relevant authorities. The legislation could also specify the extent of the central authority's powers.

E. Communications

6. Where no treaty provision is applicable, the legislation should set forth the means of communicating between the requesting State and the requested State, allowing for use of the most modern forms of communication.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Action against corruption*

The Economic and Social Council,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Convinced that existing arrangements for combating corruption at the national and international levels must be periodically reviewed and modernized to ensure that the specific contemporary problems of fighting all forms of corruption are being effectively addressed at all times,

Recalling General Assembly resolution 51/59 of 12 December 1996,

Recalling its resolution 1995/14 of 24 July 1995,

Recalling General Assembly resolution 52/87 of 12 December 1997, in which the Assembly requested the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the United Nations Declarations against Corruption and Bribery in International Commercial Transactions,[11]

Taking note of the report of the Secretary-General on action against corruption and bribery,[12]

Recalling the manual prepared by the Secretariat on practical measures against corruption,[13]

Aware of recent multilateral initiatives to combat corruption, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[14] the International Code of Conduct for Public Officials,[15] the Inter-American Convention against Corruption, the Organisation for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, done at Paris on 17 December 1997, the Convention on the protection of the European Communities' financial interests and the Protocol and Second Protocol to that Convention, drawn up by the Council of the European Union on the basis of article K.3 of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of member States of the European Union, the ongoing work of the Council of Europe to elaborate a criminal law convention against corruption, the programmes of the Council of Europe targeting that form of criminality, and recommendation 32 of the recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime, which met at Lyon, France, from 27 to 29 June 1996,

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*For the discussion, see chapter III. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

[11] General Assembly resolution 51/191, annex.

[12] E/CN.15/1998/3.

[13] *International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

[14] General Assembly resolution 51/191, annex.

[15] General Assembly resolution 51/59, annex.

Convinced that updating the manual on practical measures against corruption by incorporating into the manual a section describing recent developments will contribute to increased efficiency in combating that form of criminality,

Determined to ensure that United Nations materials to assist States in their efforts to combat corruption remain as useful and up to date as possible,

1. *Requests* the Secretary-General, in his efforts to update the manual prepared by the Secretariat on practical measures against corruption,[16] to include in the text a section describing recent developments in combating corruption, in particular the practical impact of recent multilateral initiatives in this area, such as the above-described activities of the United Nations, the Organization of American States, the Organisation for Economic Cooperation and Development, the European Community, the Council of Europe and the Senior Experts Group on Transnational Organized Crime;

2. *Decides* to convene an open-ended meeting of governmental experts, using extrabudgetary resources offered by the Government of France for that purpose, to explore means of ensuring that the initiatives described in paragraph 1 above are effective and that an appropriate international strategy against corruption, including the proceeds thereof, is formulated in consultation with other intergovernmental organizations active in this area;

3. *Requests* the Secretary-General, to submit a report on the implementation of the present resolution, including on the work of the intergovernmental experts, to the Commission on Crime Prevention and Criminal Justice at its ninth session.

DRAFT RESOLUTION II

Regulation of explosives for the purpose of crime prevention and public health and safety[*]

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[17]

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[*] For the discussion, see chapter IV. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

[16] *International Review of Criminal Policy*, Nos. 41 and 42 (United Naions publication, Sales No. E.93.IV.4).

[17] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I.

Recalling section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Recalling General Assembly resolution 52/38 J of 9 December 1997, in which the Assembly requested the Secretary-General to initiate a study on the problems of ammunition and explosives in all their aspects, in cooperation with appropriate international and regional organizations where necessary,

Bearing in mind General Assembly resolution 51/60 of 12 December 1996 and the United Nations Declaration on Crime and Public Security annexed to that resolution,

Also bearing in mind Commission on Narcotic Drugs resolution 9 (XXXVI) of 7 April 1993,[18] on the relationship between the illicit traffic in arms and explosives and illicit drug trafficking, in which the Commission recommended that States should consider establishing or improving appropriate controls on transfers of explosives, munitions and armaments,

Taking note with appreciation of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted by the Organization of American States on 13 November 1997,

Deeply concerned that effective action against manifestations of transnational organized crime is hampered by the easy access of criminals and organized criminal groups to firearms, munitions, explosives and their components and parts,

Concerned that rapid globalization of crime will have a negative effect on the continued capacity of Governments to assess and effectively counteract threats to public security and weaken international efforts aimed at enhancing cooperation between police, intelligence, customs and border control agencies,

Taking note of the interest shown by the Member States in receiving United Nations technical assistance in the area of prevention and control of illicit trafficking in and use of firearms, explosives and their components and parts,

Recognizing that, with the increasing dimensions and scale of international transport and the growing sophistication of transnational illicit trafficking in explosives, States that have not already done so may consider reviewing their legislation and administrative regulations concerning explosives and their components and parts, to make those instruments more effective in combating that crime,

Determined, therefore, to initiate measures to promote international cooperation for the prevention of criminal misuse of and illicit trafficking in explosives and their components and parts,

1. *Decides*, for purposes of crime prevention and public safety, that a study should be initiated on illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes;

2. *Requests* the Secretary-General to prepare, as early as possible, in cooperation with relevant international and regional organizations where necessary, an action plan for collecting, reviewing and

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[18] *Official Records of the Economic and Social Council, 1993, Supplement No. 9* (E/1993/29/Rev.1), chap. XI.

exchanging statistics, other information and policy proposals which may deal with, *inter alia,* the following issues:

(a) Criminal incidents in which explosive substances were involved, including the number of such incidents, the number of victims involved, the nature and extent of harm caused, the extent of damage to property and the type of explosives used;

(b) The diversion for criminal use of explosives;

(c) The status of national legislation and regulations on explosives in individual countries;

(d) Relevant initiatives for the regulation of explosives at the regional and international levels;

3. *Also requests* the Secretary-General to examine the possibility of convening a meeting of a group of experts to consider the question of preparation of the action plan;[19]

4. *Invites* the International Criminal Police Organization to provide the Secretary-General with its views, suggestions and expertise regarding the development and implementation of the action plan with a view to making it an effective instrument to combat the criminal misuse of and illicit trafficking in explosives.

DRAFT RESOLUTION III

Measures to regulate firearms for the purpose of combating illicit trafficking in firearms[*]

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on firearms regulation for purposes of crime prevention and public safety,[20]

Recalling section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Bearing in mind that freedom from the fear of crime is fundamental to international cooperation and to the sustainable development of States and that international illicit trafficking in and criminal misuse of firearms have a harmful effect on the security of each State and endanger the well-being of peoples and their social and economic development,

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[*] For the discussion, see chapter IV. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

[19] For this purpose, the group of experts may consider that the word "explosives" would mean any substance or article that is made, manufactured or used to produce an explosion, detonation or propulsive or pyrotechnic effect.

[20] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I.

Aware of the need for improved cooperation and exchange of data and other information for law enforcement purposes as well as for cooperative action to combat illicit trafficking in firearms,

Mindful that the suppression and prevention of international illicit trafficking in firearms can best be accomplished by the adoption of effective methods of identifying and tracing firearms and by the establishment of an import and export and in-transit licensing or similar authorization regime for the international transfer of firearms,

Aware of the importance of bilateral and multilateral instruments and arrangements in the furtherance of international cooperation, including guidelines and model regulations,

Taking note with appreciation of the work of regional organizations such as the Organization of American States, which completed in November 1997 the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the Inter-American Drug Abuse Control Commission, which developed the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition, and the Council of the European Communities directive on firearm regulation,[21]

Taking note of the relevant recommendations contained in the report of the United Nations Panel of Governmental Experts on Small Arms, in particular those related to achieving effective control of firearms in the peace-building process in order to prevent their entry into the illicit market,

Noting the results of the United Nations International Study on Firearm Regulation,[22]

Recognizing that States will benefit from sharing technical expertise and training that will enhance the capability of law enforcement and criminal justice officials to develop crime prevention policies and solutions to prevent and combat illicit trafficking in and criminal misuse of firearms,

Recalling General Assembly resolution 52/85 of 12 December 1997,

1. *Welcomes* the results of the United Nations International Study on Firearm Regulation and expresses its appreciation to the Member States that participated in that initiative;

2. *Expresses its appreciation* to the Governments of Australia, Canada and Japan, to intergovernmental organizations and to institutes of the United Nations Crime Prevention and Criminal Justice Programme network for contributing financially or in kind to the development and implementation of the United Nations International Study on Firearm Regulation;

3. *Expresses its appreciation* to the Government of Slovenia for acting as host to the regional workshop on firearm regulation in Europe, held at Ljubljana from 22 to 26 September 1997, to the Government of the United Republic of Tanzania for acting as host to the regional workshop on firearm regulation in Africa, held at Arusha from 3 to 7 November 1997, to the Government of Brazil for acting as host to the regional workshop on firearm regulation in the Americas, held at São Paulo from 8 to 12 December 1997, and to the Government

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[21] Directive 91/477/EEC of 18 June 1991.

[22] United Nations publication, Sales No. E.98.IV.2.

of India for acting as host to the regional workshop on firearm regulation in Asia, held at New Delhi from 27 to 31 January 1998;

4. *Recommends* that States, in the light of the above-mentioned considerations, work towards the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime;

5. *Invites* States, when discussing the elaboration of the international instrument referred to in paragraph 4 above, to take into account, as appropriate, the views of interested non-governmental organizations and other interested parties;

6. *Recommends* that States, in discussing the elaboration of the international instrument, take into account, where relevant and appropriate, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, as well as other existing international instruments and ongoing initiatives;

7. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including, *inter alia*, effective methods of identifying and tracing firearms, as well as on the establishment or maintenance of an import and export and in-transit licensing or similar authorization regime for the international commercial transfer of firearms, their parts and components and ammunition, to prevent their diversion for criminal misuse;

8. *Invites* the International Criminal Police Organization and other intergovernmental organizations to provide the Secretary-General with views and proposals regarding their possible contributions towards the development and implementation of technical cooperation to strengthen the ability of law enforcement officials to combat illicit trafficking in and criminal misuse of firearms and requests the Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its ninth session.

DRAFT RESOLUTION IV

Action against illegal trafficking in migrants, including by sea[*]

The Economic and Social Council,

Considering that illegal trafficking in and transporting of migrants are normally carried out by organizations as part of their transnational criminal operations and ordinarily take place under inhuman conditions that result in a great number of accidents and casualties,

Stressing the need to combat all criminal practices connected with illegal trafficking in and transporting of migrants, having due regard to universally recognized human rights,

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[*] For the discussion, see chapter V.

Stressing also that it is important that the States concerned establish bilateral, regional and multilateral coordinating mechanisms to fight activities related to illegal trafficking in and transporting of migrants,

Recalling General Assembly resolution 51/62 of 12 December 1996, in which the Assembly, *inter alia*, requested the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens,

Recalling also its resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Recalling further the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998,[23] as well as the text of such a draft convention submitted by the Government of Poland,

Taking note of the existing proposals for a convention and a protocol on the subject of illegal trafficking in and transporting of migrants, including by sea, submitted to it by the Governments of Austria and Italy,

Taking note of the proposal considered by the group of experts that the draft of an international convention against organized transnational crime could consist of a main convention and additional protocols covering specific offences,[24]

Stressing the importance for any legal instruments against illegal trafficking in and transporting of migrants, including by sea, to be legally and substantively consistent with the draft of an international convention against transnational organized crime,

Emphasizing that women and children are particularly vulnerable to becoming victims of the crime of illegal trafficking in and transporting of migrants,

1. *Recognizes* the importance of elaborating an efficient legal instrument combating all aspects of transnational organized crime, for example illegal trafficking in and transporting of migrants, including by sea, having due regard to universally recognized human rights;

2. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument against illegal trafficking in and transporting of migrants, including by sea, taking into account the existing proposals for legal instruments against illegal trafficking in and transporting of migrants, including by sea.[25]

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[23] E/CN.15/1998/5.

[24] E/CN.15/1998/5, para. 13.

[25] *Official Records of the Economic and Social Council, 1998, Supplement No. 8* (E/1998/28), annex V.

DRAFT RESOLUTION V

Action to combat international trafficking in women and children*

The Economic and Social Council,

Gravely concerned by the significant and continuing increase in the activities of transnational criminal organizations and others that profit from international trafficking in women and children,

Declaring that the attention and resources of law enforcement authorities, particularly in the countries of destination for the women and children being trafficked, must be directed towards preventing and punishing the activities of all those involved in organizing and facilitating such international trafficking, including criminal groups, individual traffickers, employers and consumers, who often force women and children into forms of debt bondage, servitude or sexual exploitation, involving criminal activities, in order to pay for their passage,

Recognizing that organized international criminal groups are becoming increasingly dangerous and active in international trafficking in women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Recalling the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998,[26] as well as the text of such a draft convention submitted by the Government of Poland,

Recalling its resolution 1996/26 of 24 July 1996, on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,

Recalling General Assembly resolution 52/86 of 12 December 1997, on crime prevention and criminal justice measures to eliminate violence against women,

Convinced of the need for all States to protect fully the universally recognized human rights of women and children, regardless of their legal status, and to provide humane treatment, particularly with regard to assistance, and protection,

Recognizing that international trafficking in women and children has high social and economic costs, often contributing to official corruption and burdening law enforcement agencies in all States where women and children subjected to such trafficking depart, transit or are found,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

Concerned that trafficking in women and children undermines public confidence in laws, policies and procedures relating to immigration and to ensuring the protection of genuine refugees,

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*For the discussion, see chapter V.

[26] E/CN.15/1998/5.

Commending those States that have enacted effective domestic legislation permitting seizure and forfeiture of property, both real and personal, that is knowingly used in organized criminal activities that involve trafficking in women and children, as well as all property used in or derived from such trafficking,

Encouraging Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking in women and children,

Concerned that, in the absence of a universal instrument on these matters, women and children will not be sufficiently protected against this type of crime, which is increasingly transcending national borders,

Declaring that effective action to combat international trafficking in women and children requires a comprehensive approach in the countries of origin, transit and destination that includes preventive measures to educate potential victims and their families, as well as to frustrate traffickers, enforcement measures against traffickers and all those who assist them and protective measures to aid victims of trafficking, including protection for those victims who would assist in the prosecution of the traffickers,

1. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children;

2. *Stresses* the relevance of the following issues in connection with trafficking in women and children:

(a) The need for States to take effective and expeditious measures, particularly the enactment or amendment, if necessary, of domestic legislation, to provide appropriate penalties, such as substantial imprisonment, fines and forfeiture, in order to combat all aspects of organized criminal activities related to trafficking at the international level in women and children;

(b) The importance of sharing information, coordination of law enforcement activities and otherwise cooperating, if their laws permit, in order to locate and arrest those who organize trafficking in women and children, as well as those who exploit those trafficked;

(c) The need for States to provide specialized training for law enforcement, immigration and other concerned officers, as well as to initiate public information campaigns to make both potential victims and the general public aware of the terrible exploitation and possible loss of life inherent in trafficking in women and children;

(d) The need for countries of origin, transit and destination to observe fully international obligations and national laws, including those concerning the humane treatment and strict observance of all human rights of women and children, regardless of whether they were trafficked voluntarily or involuntarily;

(e) The goal that international efforts to prevent international trafficking in women and children should not inhibit immigration or freedom of travel consistent with laws or undercut the protection provided to refugees by international law;

(f) The need for strengthened international cooperation and technical assistance for the benefit of developing countries.

DRAFT RESOLUTION VI

United Nations standards and norms in crime prevention and criminal justice[*]

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice and the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the Programme,

I

USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

1. *Recommends* that the relevant national authorities promote the use and application of United Nations standards and norms in crime prevention and criminal justice;

2. *Requests* the Secretary-General to continue the information-gathering and to submit to the Commission on Crime Prevention and Criminal Justice at its ninth session a report on the use and application of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[27] the Guidelines on the Role of Prosecutors[28] and the Basic Principles on the Role of Lawyers[29] and to prepare updated reports where at least thirty additional States have replied in respect of a standard or norm on which a report has already been submitted;

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[*] For the discussion, see chapter VI. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

[27] General Assembly resolution 45/110, annex.

[28] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

[29] Ibid., chap. I, sect. B.3, annex.

3. *Also requests* the Secretary-General to prepare survey instruments on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[30] the United Nations Declaration on Crime and Public Security[31] and the International Code of Conduct for Public Officials;[32]

4. *Invites* States to provide resources to the Secretariat with a view to making the information provided on the use and application of United Nations standards and norms in crime prevention and criminal justice accessible through the United Nations Crime and Justice Information Network via the World Wide Web;

5. *Invites* States and research institutes to make use of the information gathered regarding the use and application of United Nations standards and norms in crime prevention and criminal justice;

6. *Requests* the Secretary-General to include in his budget proposals on the United Nations Crime Prevention and Criminal Justice Programme the resources appropriate for the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in order to enable the Centre to fulfil its mandates.

II

ADMINISTRATION OF JUVENILE JUSTICE

Recalling its resolution 1997/30 of 21 July 1997, on the administration of juvenile justice, and the Guidelines for Action on Children in the Criminal Justice System, annexed to that resolution,

Welcoming the fact that the Committee on the Rights of the Child places considerable emphasis on juvenile justice during the review of State party reports and noting that its concluding observations often include recommendations to seek technical assistance in juvenile justice from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Children's Fund, in accordance with article 45 of the Convention on the Rights of the Child,[33]

Emphasizing the important preventive character of the effective use and application of existing United Nations standards and norms in juvenile justice,

Concerned about the situation of children in conflict with the law and their treatment by the criminal justice system in a number of States,

Concerned also about the fact that, in the view of the Committee on the Rights of the Child, juvenile justice reform is needed in almost all States whose country reports have been considered,

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[30] General Assembly resolution 51/191, annex.

[31] General Assembly resolution 51/60, annex.

[32] General Assembly resolution 51/59, annex.

[33] General Assembly resolution 44/25, annex.

1. *Takes note* of the report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice,[34] in which the Secretary-General highlighted difficulties and deficiencies in the use and application of United Nations standards and norms in juvenile justice by Member States;

2. *Welcomes* the fact that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat has enhanced its cooperation with other United Nations entities, and with other partners involved in assisting Member States in setting up separate juvenile justice systems or in improving existing juvenile justice systems by adapting them to the United Nations standards and norms in juvenile justice;

3. *Welcomes* the increased number of technical assistance projects in the field of juvenile justice, reflecting also an increased awareness of Member States of the importance of juvenile justice reform to establishing and maintaining stable societies and the rule of law;

4. *Welcomes* the establishment of a coordination panel on technical advice and assistance in juvenile justice to coordinate activities in the field of juvenile justice, subject to the conditions set out in Economic and Social Council resolution 1997/30, and calls on the partners involved to increase their cooperation, share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;

5. *Urges* States to include, where necessary, provisions for juvenile justice in their national development plans, calls upon States to include the administration of juvenile justice in their funding policies for development cooperation and invites them to respond favourably to requests from other States, seeking assistance from the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights or the United Nations Children's Fund in developing and improving juvenile justice systems;

6. *Urges* States parties to the Convention on the Rights of the Child to step up their efforts to ensure full implementation of their obligations under the Convention and to pursue the goals set forth in the Convention with regard to the treatment of children in the administration of juvenile justice and urges States to use and apply the United Nations standards and norms in juvenile justice and related instruments;

7. *Reaffirms* that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention, in particular as juveniles, both those in conflict with the law and those in difficult circumstances who may be potential future criminals, are easy prey for criminal organizations closely linked with activities of transnational organized crime;

8. *Requests* the Centre for International Crime Prevention to continue providing technical assistance in the field of juvenile justice and calls on Member States to provide the necessary resources;

9. *Underlines* the need for mainstreaming a gender perspective into all policies and programmes relating to children in the criminal justice system;

10. *Requests* the Secretary-General to report on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, to the Commission on Crime Prevention and Criminal Justice at its eighth session.

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[34] E/CN.15/1998/8 and Add.1.

III

VICTIMS OF CRIME AND ABUSE OF POWER

Recognizing the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted by the General Assembly in its resolution 40/34 of 29 November 1985 and is considered a landmark in the treatment of victims,

Deeply concerned about the continuing victimization by crime, especially organized crime, violence, terrorism and abuses of power, particularly of vulnerable groups and individuals, which exacts a vast human cost and impairs the quality of life in many parts of the world,

Recalling the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,[35] as well as the expert group meetings on the same subject held at Tulsa, Oklahoma, United States of America, from 10 to 12 August 1996, at The Hague from 5 to 7 March 1997 and at Washington, D.C., from 26 to 27 February 1998, which highlighted the needs of victims of crime and abuse of power and the necessity of concerted action to protect and assist such victims,

Underlining that victims of crime and abuse of power will be one of the four main topics of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Vienna in April 2000,

1. *Welcomes* the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration;

2. *Takes note* of the consideration that the Preparatory Committee on the Establishment of an International Criminal Court has given to provisions related to victims, particularly with regard to the proposed creation of a victims and witnesses unit;

3. *Urges* the Secretary-General to translate the guide for policy makers and the handbook on justice for victims into the other official languages of the United Nations and to disseminate them widely, using also electronic means of dissemination;

4. *Recommends* the continued development of a database on practical national experiences, relevant case law and legislation and on the use and application of the Declaration, taking into account different systems and traditions, including indigenous and customary justice practices, and welcomes the initiative of the Government of the Netherlands to establish such a database and to maintain it for an initial duration of three years;

5. *Requests* the Secretary-General:

(a) To seek the views of Member States regarding the desirability and feasibility of establishing an international fund for victims of crime and abuse of power in order to support, *inter alia*, the following:

(i) Technical assistance to develop and/or strengthen victim support services and organizations;

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[35] E/CN.15/1996/16/Add.5.

(ii) Specific projects and activities;

(iii) Awareness campaigns on victim rights and crime prevention;

(iv) Eligible victim claims resulting from international and transnational crime, where national avenues of recourse and/or redress are unavailable or insufficient;

(b) To convene a working group on this matter, consisting of Member States that express an interest in such a fund, and welcomes the offer of the Government of the Netherlands to host the working group;

6. *Invites* the Secretary-General, Member States and intergovernmental and non-governmental organizations active in victim assistance and redress, using where appropriate a multi-partner approach, to incorporate victim assistance modules in technical cooperation projects and to assist Member States on request in applying the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration, through training courses, seminars, study tours, fellowships and advisory services, in order to help resolve problems in the implementation of the Declaration, and welcomes the initiative of the Government of the United States of America to establish a training programme to that end;

7. *Invites* the Secretary-General, with the assistance of interested States and relevant organizations, to make use of the database referred to in paragraph 4 above, in order to provide guidelines for drafting appropriate laws on victims and, at the request of Member States, to assist in the elaboration of new legislation;

8. *Also invites* the Secretary-General, Member States and intergovernmental and non-governmental organizations:

(a) To promote, where necessary, demonstration or pilot projects for the establishment and the further development of victim services, and other operational activities;

(b) To develop measures, where necessary, for special victim groups, such as victims of terrorism, victims and witnesses of organized crime, victims of hate or bias crimes, female and child victims of violence and sexual abuse and disabled victims;

9. *Invites* the Secretary-General to seek the views of Member States on the establishment of a coordination panel or other mechanism to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned in order to promote the implementation of the Declaration;

10. *Requests* the Secretary-General to seek the views of Member States on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, with a view to reporting on it to the Commission on Crime Prevention and Criminal Justice at its eighth session;

11. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighth session on the implementation of the present resolution.

ANNEX

Plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

I. CAPACITY-BUILDING

1. The Secretary-General,[*] Member States and intergovernmental and non-governmental organizations active in victim assistance and redress are requested[**] to further incorporate victim assistance modules in technical cooperation projects and to assist interested Member States in applying the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration, through training courses, seminars, study tours, fellowships and advisory services, in order to help resolve problems in the implementation of the Declaration.

2. The Secretary-General is requested to develop in collaboration with relevant intergovernmental and non-governmental organizations criteria for the selection of technical cooperation projects for the establishment or further development of victim services.

3. Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network are invited to assist the Secretary-General in updating, with an appropriate interval, the guide for policy makers and the handbook on justice for victims, giving special attention to practical national experiences, legislative information and case law concerning special victim groups such as victims and witnesses of organized crime, terrorism, economic and environmental crime, bias or hate crimes and victims of violence against women and children.

4. The Secretary-General, together with intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, is requested to assist interested Member States in the development of reparation and restorative policies for victims of violations of human rights and humanitarian law, as part of national reconstruction and reconciliation, and in the promotion of justice and the rule of law.

II. INFORMATION-GATHERING, INFORMATION EXCHANGE AND RESEARCH

5. The Secretary-General, in cooperation with interested Member States and non-governmental organizations, is requested to support the international database on practical national and regional experiences in providing technical assistance in this field and on bibliographical and legislative information, including case law relevant to this field.

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[*] In the present plan of action, references to the Secretary-General are understood as referring primarily to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

[**] When the Secretary-General is requested to carry out activities it should be done within existing resources or extrabudgetary funding.

6. Member States and non-governmental organizations are invited to provide information for the database on projects, new programmes, case law and legislation and other relevant guidelines that have been found to be effective and could serve as models for such developments elsewhere and to assist in identifying experts who could assist Member States, on request, in implementing those projects, programmes and legislation.

7. Member States and intergovernmental and non-governmental organizations are invited to give consideration to the further development and use of methods of gathering data on victimization, such as standardized victimization surveys, including their extension to cover groups of victims such as victims and witnesses of organized crime, terrorism, economic and environmental crime, bias or hate crimes and victims of violence against women, children and migrants.

8. Member States and intergovernmental and non-governmental organizations are invited to promote the evaluation of the efficacy of different forms of providing assistance to victims, the evaluation of the extent to which the criminal justice process takes into consideration the legitimate needs and concerns of victims and the evaluation of different forms of ensuring compensation and restitution to victims.

III. PREVENTION OF VICTIMIZATION

9. The Secretary-General, together with cooperating institutes and organizations, is invited to study ways in which to provide technical assistance to Member States, on request, in responding to cases of large-scale victimization, terrorism and man-made catastrophes that are the result of criminal negligence, ensuring that the necessary emergency assistance is provided, using where necessary interdisciplinary and international crisis response teams to help to deal with the situation and to respond to the needs and rights of the victims.

10. Member States are encouraged to consider the introduction, where necessary, and the strengthening of the work of ombudsmen and civilian review bodies or other complaint mechanisms and means of preventing and investigating possible abuse of power.

11. Member States and non-governmental organizations are encouraged to conduct public information and education campaigns designed to prevent and curtail victimization and re-victimization. Such campaigns should include both general campaigns directed at broad sectors of the population and special campaigns targeting select groups known to be at high risk of such victimization and re-victimization.

12. Member States, in close cooperation with representatives of the mass media, are encouraged to elaborate and effectively implement guidelines for the media on the protection of victims and in order to curtail re-victimization.

IV. ACTION AT THE REGIONAL AND INTERNATIONAL LEVELS

13. The Secretary-General, in cooperation with Member States and regional commissions, is requested to explore the possibility of developing regional mechanisms for monitoring victimization and providing recourse and/or redress for victims.

14. The Secretary-General, in cooperation with the international professional and academic community, is requested to help Member States in identifying lacunae in international criminal law and humanitarian and human rights law concerning the protection and rights of victims and witnesses, with a view to addressing them.

V. COORDINATION OF RELEVANT INITIATIVES

15. The Secretary-General is requested to assist Member States in strengthening coordination arrangements and procedures to foster joint planning and implementation of victim-related activities.

16. The Secretary-General is requested to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned to promote the implementation of the Declaration.

17. The Secretary-General is requested to assist Member States on request in the elaboration of joint strategies and the mobilization of support for providing assistance to victims, including wider citizen participation and the promotion of the principles of restorative justice.

DRAFT RESOLUTION VII

Status of foreign citizens in criminal proceedings[*]

The Economic and Social Council,

Guided by the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly in its resolution 217 A (III) of 10 December 1948,

Bearing in mind the relevant international legal instruments in the field of human rights,

Bearing also in mind the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955[36] and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957, and the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Council in its resolution 1984/47 of 25 May 1984,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[37]

Conscious of the need to respect human dignity and the recognized rights of persons undergoing criminal proceedings,[38]

Urges Member States that have not yet done so to consider adopting the following measures:

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[*] For the discussion, see chapter VI.

[36] United Nations publication, Sales No. E.56.IV.4, annex I.A.

[37] A/49/748, annex, chap. I, sect. A.

[38] General Assembly resolution 2200 A (XXI).

(a) Carefully examine whether foreign citizens under criminal prosecution are guaranteed universally recognized rights with regard to criminal prosecution at all stages of proceedings;

(b) Ensure that individuals are not subjected to more severe custodial penalties or inferior prison conditions in a State solely because they are not nationals of that State;

(c) Undertake the necessary arrangements to ensure that any foreign citizen subject to criminal proceedings whose native language is not that of the State conducting the proceedings against him or her and who for that reason is unable to understand the nature of such proceedings has access throughout his or her trial to the services of a suitable interpreter in his or her native language, to the extent possible;

(d) Whenever permitted by its internal law or practice, make available to foreign citizens as well as to nationals, provided that they fulfil the relevant legal requirements, alternative penal sentences or administrative penalties provided for under the legislation of the State conducting proceedings;

(e) Intensify efforts to implement applicable international instruments, such as the Vienna Convention on Consular Relations,[39] concerning, *inter alia*, notification to consular authorities of the detention of their citizens.

DRAFT RESOLUTION VIII

International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing[*]

The Economic and Social Council,

Deeply concerned by the serious problem confronting many Member States as a result of prison overcrowding,

Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

Recalling the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[40] and convinced of the necessity of their further implementation,

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[*] For the discussion, see chapter VII. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

[39] United Nations, *Treaty Series*, vol. 596, No. 8638.

[40] General Assembly resolution 45/110, annex.

Recalling the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16, on reduction of the prison population, alternatives to imprisonment, and social integration of offenders, and resolution 17, on the human rights of prisoners, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[41]

Noting that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, adopted the Kadoma Declaration on Community Service, contained in annex I to the present resolution,

Noting the recommendations of the seminar entitled "Criminal justice: the challenge of prison overcrowding", held jointly by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the European Commission at San José, Costa Rica, from 3 to 7 February 1997, contained in annex II to the present resolution,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding and conscious that the inadequate facilities and cell accommodations in prisons are a product of the difficult socio-economic conditions prevailing in developing countries and in countries with economies in transition,

Noting that, in an attempt to reduce prison overcrowding, some Member States have been trying to find a solution by granting amnesties or pardons or by building new prisons,

Recognizing the need for Member States to establish economic and technical cooperation for the purpose of improving prison conditions and allocating resources to that end,

Considering that prison overcrowding causes a variety of problems, including difficulties for overworked staff,

Taking into account the limited effectiveness of imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

Considering the growing interest in many Member States in measures to replace custodial sentences, especially taking into account the principles of human rights,

Considering that community service and other non-custodial measures are innovative alternatives to imprisonment and that there have been promising developments in that area,

Considering that compensation for damage done is an important element of non-custodial sentences,

Considering that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as alternatives to imprisonment,

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[41] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

1. *Urges* Member States, if they have not yet done so, to consider introducing appropriate alternatives to imprisonment in their criminal justice systems;[42]

2. *Recommends* to Member States that have not yet done so to consider the adoption of effective measures to reduce pre-trial detention;

3. *Recommends* Member States, subject to national law, to consider the following:

(a) Dealing with petty offences according to customary practice where such practice exists, provided that doing so meets human rights requirements and that those involved so agree;

(b) If possible, using amicable means of settlement to deal with petty offences and resolving those offences among the parties, for example by using mediation, acceptance of civil reparation, or agreement to compensation through part of the income of the offender or through the work done by the offender to recompense the victim;

(c) If possible, preferring community service and other non-custodial measures to imprisonment;

(d) Conducting a study on the feasibility of adapting successful models of non-custodial measures and applying them in States where they are not yet being applied;

(e) Educating the public about the objectives of the above-mentioned alternatives to imprisonment and about how those alternatives work;

4. *Invites* international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate in their technical assistance programmes measures to reduce prison overcrowding, including the establishment of adequate infrastructure and the development of alternatives to imprisonment in their criminal justice systems;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice not later than at its tenth session on the implementation of the present resolution.

ANNEX I

Kadoma Declaration on Community Service

Recalling the 1996 Kampala Declaration on Prison Conditions in Africa, which takes into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,

Noting the growing interest in many countries in measures which replace custodial sentences and the promising developments across the world in this regard,

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[42] See the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex) and *Human Rights and Pre-trial Detention: A Handbook of International Standards relating to Pre-trial Detention* (United Nations publication, Sales No. E.94.XIV.6).

Further noting with appreciation that the importance of the Kampala Declaration was recognized when it was noted in, and annexed to, a draft resolution on international cooperation for the improvement of prison conditions by the Commission on Crime Prevention and Criminal Justice at its sixth session, held in Vienna, Austria, from 28 April to 9 May 1997, and subsequently adopted by the Economic and Social Council in its resolution 1997/36 of 21 July 1997,

Bearing in mind the 1990 United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[43]

Considering that, in many countries in Africa, the level of overcrowding is inhuman,

Recalling that the African Charter on Human and Peoples' Rights reaffirms the dignity inherent in a human being and the prohibition of degrading punishment and treatment,

Welcoming the success of the Zimbabwe Community Service scheme and its adoption by the Government of Zimbabwe following a three-year trial period,

Also noting with appreciation that other African countries, including francophone and lusophone countries, are interested in introducing community service as a penal sanction in their criminal justice systems,

The participants at the International Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, from 24 to 28 November 1997, make the following Declaration:

1. The use of prison should be strictly limited as a measure of last resort. Prisons represent a waste of scarce resources and human potential. The majority of prisoners who occupy them pose no actual threat to society.

2. The overcrowding in our prisons requires positive action through, *inter alia*, the introduction of community service.

3. Community service is in conformity with African traditions of dealing with offenders and with healing the damage caused by crime within the community. Furthermore, it is a positive and cost-effective measure to be preferred whenever possible to a sentence of imprisonment.

4. Community service should be effectively implemented and supervised and involve a programme of work where the offender is required to carry out a number of hours of voluntary work for the benefit of the community in his or her own time.

5. Governments, donors and civil society organizations are invited to support research, pilot schemes and other initiatives in this important area.

6. Countries that already have community service should take into account lessons learned from elsewhere and review their own schemes accordingly.

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[43] General Assembly resolution 40/33, annex.

7. There should be promotion of community support through sensitization campaigns targeting public opinion; and the development of statistical databases to measure the effectiveness of community service.

8. We encourage those countries that have not yet done so to develop non-custodial sentencing alternatives and to this end we commit ourselves to cooperating with, and coordinating our action through, other national committees on community service, and/or interested groups, in order better to promote the scheme.

9. We adopt the Plan of Action attached hereto.

Appendix

PLAN OF ACTION FOR THE KADOMA DECLARATION ON COMMUNITY SERVICE

Further to the Declaration made by participants at the Kadoma Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, from 24 to 28 November 1997,

the participants adopt the following plan of action:

1. Network

Establish a network of National Committees on Community Service and other interested groups to provide mutual support and encouragement through:

Providing resource persons to assist at seminars in the subregion and elsewhere;
Sharing documentation (legislation, guidelines, administrative forms) and ideas;
Coordination and support of new projects;
Cooperation and assistance in administering the scheme;
Assistance in staff training;
Exchange visits.

2. Community service directory

Compile a community service directory. To this end, a home page will be established on the Internet informing interested persons of developments in this area; and a book will be produced which will include:

The contact points and addresses of all National Committees on Community Service and those contacts engaged in community service schemes;
List of experts and resource persons;
Contacts in interested countries;
Interested groups and organizations around the world;
Donor contacts and government contacts.

The book will be distributed in other languages, including French and English translations.

3. Newsletter

Issue a newsletter:

To be produced by each National Committee on Community Service at regular intervals and circulated to the network;

To include: initiatives undertaken, problems encountered, solutions found, reports on workshops, calendar of events, requests for support (e.g. resource persons), statistics and other information;

Disseminated through the Internet or the mail (or both).

4. Research and data-gathering

Set up mechanisms for research and data-gathering:

Research findings and data gathered to be shared through the Newsletter or via the Internet;

Research projects identified (e.g. on cost-benefit analyses) and funding application supported by the network;

Joint research projects on the benefits, problems and effectiveness of community service where the scheme is applied—undertaken regionally and internationally.

ANNEX II

Recommendations of the seminar entitled "Criminal Justice: the Challenge of Prison Overcrowding", held at San José, Costa Rica, from 3 to 7 February 1997

1. The Secretary-General should take measures to ensure that assistance is offered to States requesting it, either by drawing on existing resources or by creating a special budget heading, with a view to improving the physical conditions of prisons.

2. The Secretary-General should take measures to ensure that the relevant entities are furnished with the necessary resources to provide training for the administrative and operational personnel of the prisons of Member States requesting such training, priority being accorded to the most overcrowded prisons.

3. Measures should be taken to ensure that international and regional financial institutions, such as the World Bank and the Inter-American Development Bank, adopt initiatives aimed at reducing prison overcrowding, including the provision of assistance for programmes of prison construction and the renovation of infrastructure.

4. The World Health Organization and regional bodies should be requested to incorporate, in their assistance programmes, initiatives aimed at improving prison hospital facilities and the medical and hospital services offered to prisoners in States requesting such assistance.

5. Member States should urge the Secretary-General to promote and adopt, jointly with requesting Member States, measures to privatize individual prisons in such a way that they provide for security, the well-being and social reintegration of prisoners, profitable industrial use of prison labour and employment opportunities for prisoners after their release.

6. Members States should seek to establish in prisons human rights committees and work panels as alternative conflict-resolution mechanisms.

7. Member States should explore the possibility of adopting strategies to involve private enterprise in prison social rehabilitation programmes by creating enterprises and micro-enterprises to encourage investment in the vocational training of prisoners, employment creation within prisons and the reintegration of former prisoners into the labour force, thereby ensuring full application of the principles of social reintegration and rehabilitation of former prisoners within the productive mainstream of countries.

8. Member States should take measures to ensure the marketing of prison production through promotional and marketing programmes and to progressively set up workshops in prisons.

DRAFT RESOLUTION IX

Technical cooperation and advisory services in crime prevention and criminal justice*

The Economic and Social Council,

Recalling General Assembly resolution 52/90 of 12 December 1997, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity,

Stressing the direct relevance of crime prevention and criminal justice to sustained development, stability, improved quality of life, democracy and human rights, which is increasingly being recognized by United Nations entities, specialized agencies and other international organizations,

Aware of the continued increase in requests for technical assistance forwarded to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

Recalling the agreement entered into in August 1997 between the Centre and the United Nations Office for Project Services to cooperate closely in the execution and implementation of technical assistance projects in crime prevention and criminal justice,

Appreciating the funding provided by certain Member States in 1997 that has permitted the Centre to enhance its capacity to execute an increased number of projects,

Recalling General Assembly resolutions 52/12 A of 12 November and B of 19 December 1997, entitled "Renewing the United Nations: a programme for reform",

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*For the discussion, see chapter VII.

1. *Takes note* with appreciation of the report of the Secretary-General[44] on the technical cooperation activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and in particular its success in focusing its technical cooperation activities in those subject areas specifically mandated by the Commission on Crime Prevention and Criminal Justice;

2. *Expresses its appreciation* to the Centre for International Crime Prevention for assisting Member States in achieving positive results in the improvement of their criminal justice systems by responding to the increasing requests for technical assistance, by implementing a number of important projects and by formulating new projects that urgently require new funding;

3. *Welcomes* the work done by the informal consultative group on resource mobilization in accordance with resolutions 5/3 of 31 May 1996[45] and 6/1 of 9 May 1997[46] of the Commission on Crime Prevention and Criminal Justice;

4. *Commends* the increased cooperation between the Centre for International Crime Prevention, the United Nations Development Programme and the United Nations Office for Project Services and calls upon those entities, together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities complementary to existing bilateral programmes devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the Centre;

5. *Welcomes* the close cooperation between the Centre for International Crime Prevention and the United Nations International Drug Control Programme, particularly in the area of action against money-laundering and in the area of drugs and prisons, and calls upon the two entities to continue undertaking joint activities, particularly the elaboration and execution of technical cooperation projects;

6. *Expresses its concern* at the fact that lack of adequate resources may impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that have so far been elaborated in response to urgent requests from countries in need;

7. *Expresses its appreciation* to those Member States that contribute to the activities of the United Nations Crime Prevention and Criminal Justice Programme by providing funding, the services of associate experts, consultants and experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities and by hosting action-oriented workshops and expert group meetings;

8. *Calls upon* potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the United Nations Crime Prevention and Criminal Justice Programme and to strengthen the role of the Programme as facilitator of bilateral assistance in that area;

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[44] E/CN.15/1998/9.

[45] *Official Records of the Economic and Social Council, 1996, Supplement No. 10* (E/1996/30), chap. I, sect. D.

[46] Ibid., *1997, Supplement No. 10* (E/1997/30), chap. I, sect. D.

9. *Invites* developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to strengthening national institutional capacity, professional expertise and continuing education in that field;

10. *Requests* the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 of 29 April 1992[47] and 4/3 of 9 June 1995[48] to further enhance the resources available within the existing overall budgetary framework of the United Nations for the activities of the United Nations Crime Prevention and Criminal Justice Programme, including travel funds for the mobilization of resources and special efforts for fund-raising;

11. *Requests* the Executive Director of the Office for Drug Control and Crime Prevention to enter into discussions with the Administrator of the United Nations Development Programme with a view to having the Centre for International Crime Prevention recognized as an executing agency;

12. *Calls upon* the Executive Director of the Office for Drug Control and Crime Prevention to consider enhancing the operational activities of the United Nations Crime Prevention and Criminal Justice Programme by establishing a presence at the country or subregional level, jointly with the United Nations International Drug Control Programme where appropriate.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission also recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

Report of the Commission on Crime Prevention and Criminal Justice on its seventh session and provisional agenda and documentation for the eighth session of the Commission[*]

The Economic and Social Council,

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its seventh session;

(b) Approves the provisional agenda and documentation for the eighth session of the Commission set out below.

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[*] For the discussion, see chapter IX.

[47] Ibid., *1992, Supplement No. 10* (E/1992/30), chap. I, sect. C.

[48] Ibid., *1995, Supplement No. 11* (E/1995/30), chap. I, sect. D.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE EIGHTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

Documentation

Annotated provisional agenda

(Legislative authority: Economic and Social Council resolution 1992/1; and rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)

3. Work of the Centre for International Crime Prevention:

(a) Criminal justice reform and strengthening of legal institutions: the development, analysis and policy use of crime and criminal justice information and the computerization of criminal justice operations;

(b) Technical cooperation;

(c) Cooperation with other United Nations entities and other bodies;

(d) Resource mobilization.

Documentation

Report on the work of the Centre for International Crime Prevention

(Legislative authority: Council resolutions 1992/22, 1996/11, 1997/27 and 1997/35; and Commission resolution E/CN.15/1998/L.8/Rev.1)

Report on the work of the institutes comprising the United Nations network of institutes on crime prevention and criminal justice

(Legislative authority: Council resolution 1992/22)

4. Strategies for crime prevention:

(a) Promotion and maintenance of the rule of law and good governance: crime and public security;

(b) Elimination of violence against women;

(c) Development of crime prevention standards.

Documentation

Report on crime prevention

(Legislative authority: Council resolutions 1996/12, para. 17, 1997/24, para. 16, 1997/33, paras. 2, 3 and 4, and 1997/34, paras. 5 and 8)

5. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including reports of the regional preparatory meetings for the Tenth Congress

(Legislative authority: General Assembly resolution 52/91; and Commission resolution E/CN.15/1998/L.11/Rev.1, para. 19)

6. International cooperation in combating transnational crime:

(a) Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

Documentation

Report on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

(Legislative authority: General Assembly resolution 52/85, paras. 6 and 9)

(b) Elaboration of an international convention against transnational organized crime and other possible international instruments.

Documentation

Report on the work of the ad hoc committee on the elaboration of the international convention against transnational organized crime and other possible instruments

(Legislative authority: Commission resolution E/CN.15/1998/L.9/Rev.1, para. 17)

7. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report on the use and application of United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Council resolutions 1997/30, para. 10, 1997/31, para. 16, and 1997/32; and Commission resolution E/CN.15/1998/L.10/Rev.1, sect. II, para. 10, and sect. III, paras. 10 and 11)

8. Strategic management and programme questions:

(a) Strategic management;

(b) Programme questions;

(c) Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

Documentation

Report on strategic management

(Legislative authority: Commission resolution E/CN.15/1998/L.14/Rev.1)

Note on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

9. Provisional agenda for the ninth session of the Commission.

10. Adoption of the report of the Commission on its eighth session.

DRAFT DECISION II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute[*]

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its seventh session, of Setsuo Miyazawa and Alejandro Reyes Posada to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

D. Matters brought to the attention of the Economic and Social Council

4. The attention of the Economic and Social Council is drawn to the following resolution adopted by the Commission:

Resolution 7/1. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme[**]

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[*] For the discussion, see chapter VIII.

[**] For the discussion, see chapter VIII.

The Commission on Crime Prevention and Criminal Justice,

Mindful of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

Recalling Economic and Social Council resolution 1992/22 of 30 July 1992,

Recalling agreed conclusion 1997/2, on mainstreaming a gender perspective into all policies and programmes of the United Nations system, adopted by the Economic and Social Council in the coordination segment of its substantive session in 1997,

Recalling General Assembly resolution 52/12 of 22 December 1997,

Reaffirming its resolutions 1/1 of 30 April 1992, 4/3 of 9 June 1995, 5/3 of 31 May 1996 and 6/1 of 9 May 1997,

I

PROGRAMME AND STRATEGIC MANAGEMENT QUESTIONS

1. *Welcomes* the reorganization of the Crime Prevention and Criminal Justice Division of the Secretariat as the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

2. *Welcomes* the establishment of the Office for Drug Control and Crime Prevention as the focal point for the integrated efforts of the United Nations in drug control, crime prevention and combating international terrorism;

3. *Welcomes* the setting up of the Strategy Committee on Drug Control and Crime Prevention in order to facilitate synergies, coordination and information flow on all interlinked undertakings of the Office for Drug Control and Crime Prevention;

4. *Takes note* of the report of the Secretary-General on strategic management and programme questions;[49]

5. *Also takes note* of the report of the bureau of the Commission on Crime Prevention and Criminal Justice at its sixth session on its inter-sessional work and the recommendations contained therein;

6. *Welcomes* the report of the informal working group that undertook a review of the programme mandates and resources with a view to establishing a more realistic relationship between them, takes note of the recommendations contained in the report and requests the working group to continue its work and to report thereon to the Commission at its eighth session;

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[49] E/CN.15/1998/10.

7. *Takes note* of the report of the Office of Internal Oversight Services on the review of programme management in the Crime Prevention and Criminal Justice Division and the recommendations contained therein;[50]

8. *Expresses its appreciation* for the efforts of the Secretariat to give effect to the reform measures of the Secretary-General and looks forward to further progressive streamlining and operationalizing of the work programme of the Centre for International Crime Prevention during the biennium 1998-1999 and in the context of the next programme budget, taking into account its previous recommendations on streamlining its agenda and reporting requirements, as well as the recommendations of the informal working group referred to in paragraph 6 above and the recommendations of the Office of Internal Oversight Services referred to in paragraph 7 above;

9. *Reaffirms* the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the United Nations Crime Prevention and Criminal Justice Programme;

10. *Requests* the Centre for International Crime Prevention to strengthen, subject to the availability of extrabudgetary resources, its oversight function with regard to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network in order to ensure better coordination and efficiency of the activities in the field of technical cooperation;

11. *Decides* that it will mainstream a gender perspective into all its activities and requests the Secretariat to integrate a gender perspective into all activities of the Centre for International Crime Prevention;

12. *Invites* Member States to review global crime trends and address the need to provide global policy guidance for the Centre for International Crime Prevention, while strengthening the coordination of development assistance, with a view to ensuring effective and efficient implementation of technical cooperation projects;

13. *Calls upon* the Secretary-General, in line with the priorities of the United Nations as set out in the medium-term plan for the period 1998-2001, to further strengthen the resources of the Centre for International Crime Prevention in order to achieve a better balance between its far-reaching mandates and its resources;

14. *Also calls upon* the Secretary-General, in accordance with his announcement of 17 March 1997, to pursue his efforts to redeploy savings in administration and conference services to the highest-priority programmes, including the United Nations Crime Prevention and Criminal Justice Programme, for support to operational activities;

15. *Further calls upon* the Secretary-General to ensure closer and more effective collaboration between the Centre for International Crime Prevention and other relevant programmes and entities, subject to the availability of extrabudgetary resources;

16. *Emphasizes* that all activities envisaged in the resolutions adopted by it must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions.

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[50] A/52/777, annex.

II

RESOURCE MOBILIZATION

1. *Takes note* of the report on the activities undertaken and the results achieved by the informal consultative group on resource mobilization;

2. *Urges* Member States to review funding policies for development assistance, so as to include crime prevention and criminal justice in such assistance;

3. *Calls upon* Member States to review the list of projects submitted by the informal consultative group with a view to funding those whose substance coincides with their national development priorities;

4. *Also calls upon* Member States to contribute on an annual basis, if possible, to the United Nations Crime Prevention and Criminal Justice Fund in order to cover the cost of improving the infrastructure of the Centre for International Crime Prevention and its capacity to develop and administer the technical cooperation component of the United Nations Crime Prevention and Criminal Justice Programme and to develop essential training tools;

5. *Further calls upon* Member States to discuss with the Centre for International Crime Prevention funding modalities and options for technical cooperation for crime prevention and criminal justice;

6. *Encourages* Member States to provide the Centre for International Crime Prevention with information regarding the achievements of technical cooperation projects executed by the Centre, highlighting the importance of such projects, in order to attract more attention to and enhance interest in them;

7. *Expresses its appreciation* to the members of the informal consultative group and requests them to continue their work and to report thereon to the Commission at its eighth session.

Chapter II

TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

A. Structure of the debate

5. At its 6th meeting, on 23 April 1998, the Commission on Crime Prevention and Criminal Justice considered agenda item 3, entitled "Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

6. For its consideration of item 3, the Commission had before it the following documents:

(a) Report of the Secretary-General on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1998/2);

(b) Draft discussion guide for the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1998/2/Add.1/Rev.1);

(c) Draft discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.5/1998/2/Add.2).

7. The Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat made an introductory statement at the 6th meeting. The Commission heard statements by the representatives of France, Japan, China, Austria, Germany, Ecuador, United States of America, Argentina, Colombia and Tunisia. A statement was made by the observer for the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Community). Statements were also made by the observers for South Africa, Canada and Finland. The Commission heard statements by the observers for the Naif Arab Academy for Security Sciences and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The observers for Prison Fellowship International and the Asia Crime Prevention Foundation made statements. The Chairman of the Commission established an informal working group to discuss some of the questions raised in connection with item 3. The Executive Director of the Office for Drug Control and Crime Prevention made a statement.

B. Deliberations

8. Planning for the Tenth Congress was well advanced. As both the ninth session of the Commission and the Tenth Congress would take place in close proximity early in the year 2000, duplication of efforts and repetition of discussions at those events should be avoided. In order to enable the Commission to consider the recommendations of the Tenth Congress for submission to the Economic and Social Council and the General Assembly, the duration of the ninth session of the Commission should be shortened. Draft resolutions for consideration by the Tenth Congress could be submitted to the regional preparatory meetings at an early stage.

9. Reference was made to the organizational arrangements recommended by the Commission at its sixth session. It was stressed that Member States should be represented at the Tenth Congress at a high political level, pursuant to General Assembly resolution 52/91. Some speakers said that the Tenth Congress was unnecessary and others expressed the view that the format of the Tenth Congress should be reviewed; others, however,

emphasized that, as the General Assembly had already taken action on the organizational and substantive preparations for the Tenth Congress, there was not much leeway for changes. Concern was expressed about striking a balance between the preparations for the Tenth Congress and the implementation of the regular programme of the Centre, particularly regarding the provision of technical assistance and the elaboration and implementation of technical assistance projects. It was stated that, in view of the resource constraints of the Centre, it would be difficult to undertake such a task.

10. It was suggested that the theme of the Tenth Congress should reflect the thrust of the substantive topics. One possible theme would be "Meeting the challenge of crime and justice: no safe havens for international criminals".

11. The observer for South Africa informed the Commission that his Government had not been able to secure sufficient resources to confirm its offer to host the Tenth Congress. Consequently, the conditional offer of his Government would be withdrawn. The representative of Austria reaffirmed the offer of his Government to host the Tenth Congress at Vienna.

12. Some speakers, commenting on the various topics to be discussed at the Tenth Congress, stated that the discussion guides were quite comprehensive and dealt with many issues. It was recommended therefore, that under each substantive item of the agenda, a set number of subtopics should be discussed, taking into account the complexities of the issues involved and the limited time available to deal with them. One speaker recommended that the issue of the basic principles governing the use of mediation and other restorative processes in penal matters should be included in the discussion guide. That speaker urged the Commission to appoint an international group of experts to prepare draft basic principles on the use of mediation in penal matters, for consideration by the Tenth Congress. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders informed the Commission of the activities of his Institute in preparation for the workshop on crimes related to the computer network. The observer for Finland noted that the European Institute for Crime Prevention and Control, affiliated with the United Nations, had offered to coordinate the preparations for the workshop on women in criminal justice, and informed the Commission that the Government of Finland intended to support the Institute in that endeavour.

13. It was recalled that, beginning with the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, the status of the congresses had been changed to an advisory body of the United Nations Crime Prevention and Criminal Justice Programme. The fact remained, however, that the congresses represented a worldwide forum for the discussion of strategies and measures against crime. The congresses, which were scientific in nature, had originated in the International Penal and Penitentiary Commission and had proved useful and relevant. The view was expressed that, as the Commission was an intergovernmental body providing guidance in the field of crime prevention and criminal justice, the functions of the congresses might be taken over by the Commission. It was stated that such a proposal deserved thorough examination. It was also suggested that the Commission should devote time and energy to discussing the role and functions of future congresses, including the possibility of updating the title of the congresses to reflect new developments in the field of crime prevention and criminal justice and of holding the congresses every six years, thus aligning them with the biennial cycle of the United Nations programme budget.

14. Reference was made to the statement by the Executive Director that the complex preparations for the Tenth Congress would pose a major burden on the Secretariat and on the institutes comprising the Programme network. Following the Tenth Congress, the frequency, purpose and impact of future congresses should be reviewed in the light of the experiences of the previous four decades. Institutional relations between the

congresses, the Commission and other regional and multilateral forums should also be reviewed to ensure that such a major investment of time and resources was fully justified. That suggestion deserved the utmost attention of the Commission. It was therefore decided that an informal working group would be established to deal with that matter, with a view to recommending concrete action for consideration by the Commission.

15. At the end of the discussion on item 3, the Commission was addressed by the Executive Director, who provided an account of his vision of the functions, role and periodicity of the congresses, with a view to considering the costs and benefits of the congresses, recommending viable modalities for the congresses and using existing resources in a more effective way.

16. The informal working group discussed the relationship between the Tenth Congress and the ninth session of the Commission, the draft discussion guide, the programme of the Tenth Congress and the draft resolution. A brief account of the results of the informal working group was provided by the representative of France. The working group was of the view that the relationship between the Tenth Congress and the Commission should be seen in the context of General Assembly resolution 46/152, particularly paragraphs 25 and 29 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to that resolution, in which the role of the Congress as a consultative body to the Programme was emphasized. Consequently, the working group was of the view that the role of the Congress should be focused on the exchange of views on the precisely defined topics before it, as well as on practically oriented, technical workshops. The working group was also of the view that suggestions submitted to the Commission should be incorporated into a single declaration. Pursuant to paragraph 29 (d) of the statement of principles and programme of action, the Commission at its eighth session, as the preparatory body for the Tenth Congress, might wish to submit to the Tenth Congress the draft of such a declaration.

17. The working group reviewed the draft discussion guides with a view to ensuring that they focused on specific subtopics of direct interest to Member States and on action-oriented questions.

18. The working group exchanged views on the programme of the Tenth Congress, including its duration. It was agreed that, in view of the ongoing work on the draft convention on transnational organized crime, the dates of availability of the facilities for the Tenth Congress at Vienna and the need to use the available resources most effectively, the duration of the Tenth Congress and of the ninth session of the Commission should be shortened. It was proposed that the Tenth Congress should be held from 10 to 17 April 2000, with pre-congress consultations to be held on 9 April 2000. It was further proposed that the shortened ninth session of the Commission, to be held from 18 to 20 April, would focus on the conclusions of the Tenth Congress.

19. Regarding the regional preparatory meetings for the Tenth Congress, the view was expressed that there was no need to organize such meetings. The resources allocated for them should be redeployed to the ongoing work on the draft convention. The view was also expressed, however, that the matter should be discussed in the plenary or by the Committee of the Whole, as the various geographical regions were not fully represented in the working group. Regarding regular public information activities on the Tenth Congress and the implementation of its conclusions, the Secretariat informed the Commission that proposals for adequate resource allocations would be made under the programme budget for the biennium 2000-2001.

20. In respect of the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, the working group suggested that the Tenth Congress should ensure that the results of its discussions were embodied in a single declaration for submission to the Commission. Consequently, it was also suggested that rule 28 of the rules of procedure should be amended accordingly.

C. Action taken by the Commission

21. At its 15th meeting, on 30 April 1998, the Commission considered a revised draft resolution entitled "Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (E/CN.15/1998/L.11/Rev.1), submitted by the Chairman. A statement on programme budget implications was made by the Secretariat, as a result of which operative paragraph 13 (b) of the revised draft resolution was changed so that it would have no financial implications on the programme budget for the biennium 1998-1999 (see annex II). The Commission recommended to the Economic and Social Council the approval of the revised draft resolution, as orally amended, for adoption by the General Assembly. For the text, see chapter I, section A, draft resolution I.

Chapter III

PROMOTION AND MAINTENANCE OF THE RULE OF LAW: ACTION AGAINST CORRUPTION AND BRIBERY

A. Structure of the debate

22. At its 7th and 8th meetings, on 24 April 1998, the Commission considered agenda item 4, entitled "Promotion and maintenance of the rule of law: action against corruption and bribery".

23. For its consideration of item 4, the Commission had before it the report of the Secretary-General on action against corruption and bribery (E/CN.15/1998/3).

24. At its 7th meeting, on 24 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Russian Federation, Botswana, Islamic Republic of Iran, Pakistan, United States, Republic of Korea, Argentina, Sudan, Zambia, France and Egypt. Statements were made by the observers for Croatia, Armenia, Venezuela, Thailand, Australia and Morocco. The observers for the United Nations Interregional Crime and Justice Research Institute and the African Institute for the Prevention of Crime and the Treatment of Offenders also made statements. A statement was made by the observer for the International Sociological Association.

25. At its 8th meeting, on 24 April 1998, the Chairman summarized the deliberations on the item.

26. A statement in exercise of the right of reply was made by the observer for Turkey.

B. Deliberations

27. Concern was expressed at the seriousness of the threats posed by corruption, as it endangered not only the economic system but also the political stability and security of all countries. It was recognized that corruption was increasingly becoming a transnational phenomenon and that it was often linked either to organized crime or to international financial and economic crimes. Mention was also made of the dangerous linkages between corruption and money-laundering.

28. The Commission commended the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex) and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/191, annex) as important instruments in the international efforts against corruption Appreciation was also expressed for the work against corruption carried out by other international organizations, such as the Organization of American States (OAS), the Organisation for Economic Cooperation and Development (OECD), the European Community and the Council of Europe.

29. The revised version of the manual on practical measures against corruption[51] should include the provisions of the new recent international instruments against corruption and bribery such as the OAS Inter-American Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business. In addition, it was stressed that the manual should contain not only commentaries on those new international instruments, but also relevant judicial cases from different countries. Support was expressed for the work of the Centre for International Crime Prevention in elaborating a model law against

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[51] *International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

corruption. The Centre was encouraged to continue providing technical assistance services and to disseminate updated information on corruption to Member States.

30. Many speakers reported to the Commission on national measures, steps and strategies to counter corruption. The Commission recognized that corruption was a complex phenomenon that could not be dealt with by a single set of measures. National strategies to combat corruption needed an integrated approach composed of such elements as proper legislation, specific law enforcement units, preventive measures and public awareness campaigns. Provisions for preventing the corruption of public officials by multinational companies were recommended as well. In order to effectively curtail corruption, it was also essential to address the issues of tax havens, off-shore centres and the abuse of bank secrecy.

31. Finally, the Commission stressed the crucial importance of international and regional cooperation, as well as the exchange of information and practices. It was emphasized that adequate and specific legislation on extradition and mutual legal assistance should be introduced in national legal systems.

C. Action taken by the Commission

32. At its 15th meeting, on 30 April 1998, the Commission recommended for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled "Action against corruption" (E/CN.15/1998/L.4/Rev.1), sponsored by Angola, Argentina, Armenia, Azerbaijan, Bolivia, Brazil, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, Egypt, Finland, France, Germany, Greece, Ireland, Italy, Lebanon, Lesotho, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Sudan, Sweden, Togo, United Kingdom, United States, Uruguay, Venezuela and Zambia. For the text, see chapter I, section B, draft resolution I.

Chapter IV

CRIMINAL JUSTICE REFORM AND STRENGTHENING OF LEGAL INSTITUTIONS: MEASURES TO REGULATE FIREARMS

A. Structure of the debate

33. At its 8th to 11th meetings, on 24, 27 and 28 April 1998, the Commission considered agenda item 5, entitled "Criminal justice reform and strengthening of legal institutions: measures to regulate firearms".

34. For its consideration of item 5, the Commission had before it the report of the Secretary-General on measures to regulate firearms (E/CN.15/1998/4).

35. At the 8th meeting, on 24 April 1998, following an introductory statement by the Secretariat, the Commission heard statements by the representatives of the Russian Federation, Botswana, the Islamic Republic of Iran and the United States. The observers for the United Kingdom and Panama made statements.

36. At the 9th meeting, on 27 April 1998, statements were made by the representatives of Brazil, Mexico, Colombia, China, Poland, Japan, Jamaica, Sudan, India and Philippines. The Commission heard statements by the observers for Canada, Australia, Malta, South Africa and Norway. The observer for the United Nations Children's Fund (UNICEF) made a statement. Statements were also made by the observers for the Customs Co-operation Council (also called the World Customs Organization) and the International Criminal Police Organization (Interpol). The observers for the Friends World Committee for Consultation, the International Alliance of Women—Equal Rights, Equal Responsibilities, War Resisters International, the National Rifle Association of America/Institute for Legislative Action and the International Peace Bureau also made statements.

37. At the 10th meeting, on 27 April 1998, the observers for the International Fellowship of Reconciliation, the Verification Technology Information Centre and the Asia Crime Prevention Foundation made statements. In exercise of the right of reply, the representative of the United States made a statement.

38. At its 11th meeting, on 28 April 1998, the Chairman of the Commission summarized the discussion on agenda item 5.

B. Deliberations

39. The report of the Secretary-General on measures to regulate firearms (E/CN.15/1998/4) was welcomed by the Commission and commended as a source of potentially useful reference material for future work on firearm regulation in Member States. The results of the discussions held at the regional workshops on firearm regulation had facilitated government efforts to design new legislation on firearm regulation. The workshops were viewed as particularly helpful arenas for the exchange of ideas and the discussion of problems in the different regions. Strong concern was expressed by one representative that the report did not reflect the diversity of views expressed at the workshop and that the report gave the impression that there was a consensus of opinion regarding firearms in and among workshops. The same representative proposed to review the report so that it would adequately cover those views.

40. The Commission welcomed the publication of the *United Nations International Study on Firearm Regulation*,[52] which had focused the attention of Member States to the problem of illicit trafficking in firearms. With the exception of the observer for one non-governmental organization, it was noted with satisfaction that most of the activities undertaken in response to resolution 9, on firearm regulation for purposes of crime prevention and public safety, adopted by the Ninth Congress,[53] had been brought to a successful conclusion. That resolution had been a catalyst for various international initiatives against illicit trafficking in firearms.

41. The Commission heard statements on government initiatives to regulate firearms and to combat illicit trafficking in firearms. The reported initiatives included the following: implementation of recently introduced legislation providing for stricter regulations on firearms; public destruction of seized, confiscated or voluntarily surrendered firearms; buy-back programmes; declaration of a general amnesty for illegal possession of firearms; development of regional initiatives to combat illicit trafficking in firearms. References were made to tragic incidents of criminal use of firearms in which individuals and groups of people had been killed. It was noted that, from the perspective of the victim, it was irrelevant whether the firearm involved had come from a legal or an illegal source.

42. Many representatives and observers emphasized that safe storage, licensed possession of firearms and public awareness campaigns were important prerequisites to preventing criminal misuse of firearms and might lead to reduced crime rates. Freedom from the fear of crime, including freedom from the fear of firearm violence, was fundamental to sustainable development of States. Speakers underlined the cultural, socio-economic and constitutional background to the question of firearm regulation, as noted in the report of the Secretary-General. However, against that background, there were States in which policies and laws had been reviewed and new regulations severely restricting the availability of firearms to the civil society had been introduced. All speakers were of the opinion that no State was immune from criminal use of firearms, and that each State had to follow its own policies in the question of domestic firearm regulation. Moreover, it was important not to export firearms that were prohibited in the country of origin, to avoid jeopardizing safety in the countries of destination. One speaker objected to the statement of another speaker that could be interpreted as implying that his country was involved in gun-running. On the contrary, he stated, his Government had vigorously fought that phenomenon.

43. With regard to the question of the future direction of United Nations activities on firearm regulation, most speakers expressed the full commitment of their Governments for the proposal to work towards the elaboration of a binding international legal instrument to combat illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime. It was emphasized that the OAS Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted in November 1997, could serve as a starting point in planning the future course of action by the Commission.

44. Support was expressed for the proposals made in the report of the Secretary-General, including the following: continuation of the collection of data and the dissemination of information on firearm regulation; development of a manual on firearm regulation that would help experts dealing with issues of firearm regulation; and development of technical cooperation activities in the field of cross-border trafficking in firearms.

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[52] United Nations publication, Sales No. E.98.IV.2.

[53] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I.

45. Finally, the Commission also heard statements on the question of criminal use of and trafficking in explosives, which was considered to be closely related to the question of firearm regulation. It was noted by some speakers that the United Nations Declaration on Crime and Public Security (General Assembly resolution 51/60, annex) and the OAS Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials might both prove to be viable examples of how the Commission could extend its work into the area of prevention and control of criminal violence and trafficking in explosives, which reportedly involved organized crime and transnational organized crime throughout the world. It was stressed that the Commission should pursue its possible work in that area in a cost-effective manner, based on the achievements of the United Nations International Study on Firearm Regulation and consistent with the strategic management plans of the Commission.

C. Action taken by the Commission

46. At its 15th meeting, on 30 April 1998, the Commission approved for adoption by the Economic and Social Council, two revised draft resolutions as orally amended. The first, entitled "Measures to regulate firearms for the purpose of combating illicit trafficking in firearms" (E/CN.15/1998/L.6/Rev.1), was sponsored by Angola, Argentina, Australia, Azerbaijan, Benin, Bolivia, Botswana, Brazil, Canada, Cape Verde, Colombia, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, India, Ireland, Italy, Jamaica, Japan, Kuwait, Lebanon, Lesotho, Lithuania, Malta, Mexico, Netherlands, Norway, Panama, Paraguay, Philippines, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Sudan, Swaziland, Thailand, Togo, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Zambia and Zimbabwe. For the text of that revised draft resolution, see chapter I, section B, draft resolution III. The second revised draft resolution, entitled "Regulation of explosives for the purpose of crime prevention and public health and safety" (E/CN.15/1998/L.12/Rev.2), was sponsored by Algeria, Angola, Benin, Cape Verde, Colombia, Greece, India, Jamaica, Kuwait, Philippines, Sudan and Togo. For the text of that revised draft resolution, see chapter I, section B, draft resolution II.

Chapter V

INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

A. Structure of the debate

47. At its 1st to 5th and 8th meetings, from 21 to 24 April 1998, the Commission considered agenda item 6, entitled "International cooperation in combating transnational crime".

48. For its consideration of item 6, the Commission had before it the following documents:

(a) Report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime (E/CN.15/1998/5);

(b) Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime (E/CN.15/1998/6);

(c) Report of the Secretary-General on the recommendations of the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997 (E/CN.15/1998/6/Add.1);

(d) Report of the Secretary-General on the recommendations of the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998 (E/CN.15/1998/6/Add.2);

(e) Note by the Secretary-General on mutual assistance and international cooperation in criminal matters (E/CN.15/1998/7).

49. At the 1st meeting, on 21 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, statements were made by the representatives of Egypt, United States, Argentina, Saudi Arabia, Russian Federation and Japan. A statement was made by the observer for Chile.

50. At the 2nd meeting, on 21 April 1998, statements were made by the representatives of Tunisia, Italy, Philippines, China, Netherlands, Republic of Korea, Ukraine, Germany, Fiji, Sweden, Sudan and Swaziland. A statement was made by the observer for the United Kingdom (on behalf of the European Community). Other statements were made by the observers for Slovakia, Morocco, Canada and the Czech Republic.

51. At the 3rd meeting, on 22 April 1998, statements were made by the representatives of Botswana, France, Ukraine, Zambia, Mexico, Poland, Pakistan, Austria and Italy. A statement was made by the observer for Chile (on behalf of the group of Latin American and Caribbean States). Statements were made by the observers for Israel, Venezuela, Bosnia and Herzegovina, Libyan Arab Jamahiriya, Belarus and Turkey. The observer for the Division for the Advancement of Women of the Secretariat also made a statement.

52. At the 4th meeting, on 22 April 1998, statements were made by the representatives of Ecuador, Colombia, Romania, Brazil and Islamic Republic of Iran. A statement was made by the observer for South Africa (on behalf of the Group of 77). Statements were made by the observers for Azerbaijan, Sri Lanka, Syrian Arab

Republic, South Africa, Spain, Australia, Finland, Portugal, Trinidad and Tobago, Peru, Yemen, Mauritius, Lebanon and Democratic Republic of the Congo. The observer for the Holy See made a statement. Statements were made by the observers for the African Institute for the Prevention of Crime and the Treatment of Offenders and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The observers for the Council of Europe, the Council of Arab Ministers of the Interior and Interpol also made statements.

53. At the 5th meeting, on 23 April 1998, statements were made by the observers for the International Confederation of Free Trade Unions and the Asia Crime Prevention Foundation. The Chairman summarized the deliberations. The representative of France made a statement.

54. At the 8th meeting, on 24 April 1998, the Commission heard a report by the Chairman of the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. Statements were made by the representatives of Argentina, Japan, Mexico and Tunisia. The observers for Australia and Peru also made statements.

B. Deliberations

55. In his opening statement, the Executive Director of the Office for Drug Control and Crime Prevention presented to the Commission an overview of the future work of the Centre for International Crime Prevention regarding transnational organized crime. The focus would be on those regions of the world where the problem was most acute and where the United Nations would offer a competitive advantage. Emphasis would be placed on creating units capable of centralizing information and activities targeting organized criminal groups, also serving as focal points for operational and technical services, as well as helping to create or reinforce reliable evidence-gathering techniques. In order to keep the momentum, the Commission should hammer out a timetable for completing the draft international convention against transnational organized crime. A world report on organized crime would be prepared. In implementing its programme of work, the Centre would be guided by the objectives of the medium-term plan for the period 1998-2001 and the programme budget for the biennium 1998-1999.

56. The Commission expressed its concern about the growth of transnational organized crime, which was affecting the political stability and social and cultural values of societies all over the world, threatening national and global security. Important changes had occurred in the structure and dynamics of organized crime at the national and transnational levels, including the appearance of new manifestations of money-laundering, bribery, robbery, trafficking in human beings, including women and children migrants, and trafficking in stolen motor vehicles and firearms, drug trafficking, terrorism, alien and contraband smuggling, economic espionage, intellectual property theft and counterfeiting. It was recognized that the increasingly sophisticated and globalized nature of organized crime made international cooperation a crucial element in combating that phenomenon. The Naples Political Declaration and Global Action Plan against Transnational Organized Crime (A/49/748, annex, chap. I, sect. A) provided guidance to Member States in their common effort to deal with that uncivil element of society. There was agreement among Member States on the importance of giving due attention to the practical implementation of the provisions of the Naples Political Declaration and Global Action Plan.

57. Various countries reported on the initiatives taken by their Governments to combat organized crime efficiently and to foster international cooperation. Those measures included the adoption of new legislation on organized crime and related offences, the elaboration of new criminal and procedural codes and of plans of action, the establishment of specialized task forces and the improvement of judicial cooperation through bilateral and multilateral agreements.

58. Support was expressed for the need to streamline the Programme activities and focus on priority issues. While some speakers were of the view that the Commission should focus on activities related to transnational organized crime, others stressed the importance of giving due attention also to standards and norms as valuable guidance to Member States. It was noted that the United Nations had, within the framework of defined priority themes, carried out valuable work covering other aspects of crime prevention and criminal justice. The development of standards and norms, together with the ongoing information-sharing about their use and application, and the development of model treaties were important and worthwhile achievements of which Member States were justly proud. It was emphasized that the Programme should focus on technical cooperation and assistance and develop specialized knowledge, as well as medium-term and long-term technical assistance programmes. The participants were of the view that the Centre had the potential of performing its task more effectively but only if Member States supported it with the necessary resources.

59. There was unanimous support for the elaboration of an international convention against transnational organized crime. The results of the meeting of the inter-sessional open-ended intergovernmental group of experts, held at Warsaw from 2 to 6 February 1998 (E/CN.15/1998/5), were welcomed. Those results would serve as the basis for future work on the understanding that activities directed towards the drafting of a new international convention would take due account of all the general principles agreed at the meeting of the group of experts at Warsaw (E/CN.15/1998/5, para. 10), in particular concerning the incorporation of appropriate safeguards for ensuring the compatibility of the future convention with fundamental national legal principles. The convention should constitute a legal framework for concerted action against organized crime and a basis for the harmonization of national legislation. It should contain legally binding obligations for Member States to implement innovative solutions to cope with organized crime. It should also contain detailed provisions on international cooperation, such as mutual legal assistance, extradition, law enforcement cooperation, confiscation and seizure of proceeds from crime and transfer of criminal proceedings. Some speakers suggested that specific topics of relevance to the convention might be included in additional protocols. In the drafting of the convention, a flexible approach should be pursued, taking into account various legal systems and practices, as well as differences in the socio-economic development of countries.

60. Finally, the necessity of having the convention formulated as soon as possible was stressed. It was stated that priority attention should be given to that important undertaking. A target date for the finalization of the convention could be the year 2000, when the Tenth Congress and the millennium General Assembly would be held. Effective strategies in the area of inter-State cooperation in criminal matters were discussed. It was stressed that, in view of the increasing mobility of offenders and the internationalization of crime, extradition and mutual assistance in criminal matters should be in the forefront of national and international policies for combating transnational crime. The recommendations of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States, from 23 to 26 February 1998 (E/CN.15/1998/7, annex), were welcomed as a contribution to the further promotion of cross-legal and cross-cultural approaches to cooperation between States in the penal field. It was noted that technical cooperation services were of the utmost importance, particularly for developing countries and the least developed countries, in strengthening the capability of national criminal justice systems to deal with requests for judicial assistance. The crucial role of the Centre, particularly in drafting model legislation, providing advisory services and elaborating training manuals, was highlighted.

61. In accordance with Economic and Social Council resolution 1996/27, an in-sessional open-ended working group was established for the purpose of identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan and of considering the possibility of elaborating a convention against organized transnational crime. The report of the working group is contained in annex III to the present report.

C. Action taken by the Commission

62. At its 15th meeting, on 30 April 1998, the Commission approved for adoption by the Economic and Social Council, two revised draft resolutions, as orally amended. The first, entitled "Action to combat international trafficking in women and children" (E/CN.15/1998/L.3/Rev.1), was sponsored by Angola, Argentina, Austria, Azerbaijan, Belarus, Belgium, Benin, Canada, Cape Verde, Colombia, Costa Rica, Côte d'Ivoire, Finland, Georgia, Germany, Greece, Italy, Lebanon, Lesotho, Mauritius, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, South Africa, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Turkey, Ukraine, United Kingdom, United States and Zambia. For the text of that revised draft resolution, see chapter I, section B, draft resolution V. The second revised draft resolution, entitled "Action against illegal trafficking in migrants, including by sea" (E/CN.15/1998/L.7/Rev.2), was sponsored by Angola, Argentina, Australia, Austria, Belgium, Benin, Canada, Côte d'Ivoire, Ecuador, Finland, Germany, Greece, Italy, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mexico, Philippines, Portugal, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Sudan, Swaziland, Sweden, Togo, Turkey, Ukraine, United Kingdom, United States and Zimbabwe. For the text of that revised draft resolution, see chapter I, section B, draft resolution IV.

63. The Commission also recommended to the Economic and Social Council the approval of two revised draft resolutions, as orally amended, for adoption by the General Assembly. The first, entitled "Mutual assistance and international cooperation in criminal matters" (E/CN.15/1998/L.5/Rev.1), was sponsored by Argentina, Armenia, Australia, Azerbaijan, Benin, Bolivia, Brazil, Canada, Cape Verde, Colombia, Finland, Germany, Italy, Jamaica, Lesotho, Mauritius, Philippines, Portugal, Russian Federation, South Africa, Sweden, Togo, Tunisia, Turkey, United Kingdom, United States, Zambia and Zimbabwe. For the text of that revised draft resolution, see chapter I, section A, draft resolution III. The second revised draft resolution, entitled "Transnational organized crime" (E/CN.15/1998/L.9/Rev.1), was sponsored by Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Botswana, Brazil, Canada, Cape Verde, Côte d'Ivoire, Croatia, Ecuador, Finland, France, Germany, Greece, Italy, Jamaica, Lebanon, Lesotho, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States and Zambia. Before the Commission recommended the approval of the second revised draft resolution, the Secretariat made a statement providing information on its financial implications (see annex II). For the text of that revised draft resolution, see chapter I, section A, draft resolution II.

Chapter VI

USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Structure of the debate

64. At its 5th and 6th meetings, on 23 April, its 10th meeting, on 27 April, and it 15th meeting, on 30 April 1998, the Commission considered agenda item 7, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice".

65. For its consideration of item 7, the Commission had before it the following documents and conference room papers:

(a) Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/8);

(b) Report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice (E/CN.15/1998/8/Add.1);

(c) Poverty eradication and mainstreaming the gender perspective into all policies and programmes in the United Nations system (E/CN.15/1998/CRP.1);

(d) Questionnaires on the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Guidelines on the Role of Prosecutors, and the Basic Principles on the Role of Lawyers (E/CN.15/1998/CRP.3);

(e) Guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4);

(f) Handbook on justice for victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4/Add.1);

(g) Report of the Fourth Expert Group Meeting on Victims of Crime and Abuse of Power, held at Washington, D.C., from 26 to 27 February 1998 (E/CN.15/1998/CRP.8).

66. At the 5th meeting, on 23 April 1998, the Officer-in-Charge of the Centre for International Crime Prevention made an introductory statement. Statements were made by representatives of the following members of the Commission: Ukraine, Republic of Korea, Netherlands, France, Austria, Zambia, Colombia and Argentina. The observers for Canada, Malta and the United Kingdom made statements. The Commission heard statements by the Special Rapporteur of the Commission on Human Rights on the on sale of children, child prostitution and child pornography and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers. The Vice-Chairman of the Committee on the Rights of the Child also made a statement. The observer for the International Scientific and Professional Advisory Council made a statement.

67. At the 6th meeting, on 23 April 1998, statements were made by the representatives of Togo and the United States. The observer for the Naif Arab Academy for Security Sciences also made a statement. The observers for Soroptimist International, Amnesty International, the International Sociological Association and

the International Council of Psychologists made statements. The Chairman summarized the deliberations on the item.

68. At its 10th meeting, on 27 April 1998, the Commission heard a report by Kamal Kumar (India), Vice-Chairman of the working group on United Nations standards and norms in crime prevention and criminal justice.

69. At the 15th meeting, on 30 April 1998, statements were made by the representatives of Argentina and the Republic of Korea.

B. Deliberations

70. There was agreement that the use and application of United Nations standards and norms in crime prevention and criminal justice should remain an important concern of the United Nations Crime Prevention and Criminal Justice Programme. A balanced approach should be ensured between action against transnational organized crime and the promotion of the use and application of standards and norms in national practices. Implementation of the standards would assist States in establishing an effective criminal justice system, which was of paramount importance in the fight against transnational organized crime and other forms of crime. The main responsibility to promote the use and application of United Nations standards and norms in crime prevention and criminal justice should remain with the Centre for International Crime Prevention. The Programme should deal with issues related to transnational organized crime and should assist States in dealing with domestic criminal justice issues. The Commission should continue to be the entity in charge of defining United Nations policy in that area.

71. It was stated that gathering information on the use and application of United Nations standards and norms in crime prevention and criminal justice was useful, as evidenced by the high response rates of countries. The process was vital to ensuring that standards, once elaborated, were used and applied by States. It was recommended that the process be pursued further and that additional standards be included in the process. Suggestions were made to include standards relating to corruption, the conduct of public officials and public security. Further steps should be taken to strengthen the involvement of scientific institutions and non-governmental organizations in that matter.

Administration of juvenile justice

72. The Commission commended the Centre on its activities in the field of juvenile justice. It welcomed the coordination of technical assistance projects with other United Nations entities and non-governmental organizations. In compliance with the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), that coordination should be expanded to include issues related to transnational organized crime, such as trafficking in children and the sexual abuse of children.

73. Many speakers informed the Commission of measures taken in their countries in the field of juvenile justice. References were to research projects and programmes aimed at rehabilitating juvenile offenders. School programmes to prevent juvenile delinquency had been established in some countries.

Victims of crime and abuse of power

74. The Commission welcomed the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims on the use and application of the Declaration, elaborated by an expert group meeting and the Centre. The guide and

handbook were regarded as useful tools for States protecting and assisting victims of crime. They were also considered to be practical tools for technical assistance projects. The Commission called for their translation into all official languages of the United Nations and their wide dissemination. It was suggested that similar tools be developed for providing assistance to child victims, in particular child prostitutes or other abused children. The Commission noted that the need for a balance between the rights of the offender and the rights and needs of the victim had been recognized but that much remained to be done to ensure that the balance was achieved in practice. Particularly vulnerable groups, such as women and children, who were often easy prey for criminal organizations closely linked with transnational organized crime, needed special protection. A proposal was made to establish a database on practical experiences related to providing assistance to victims, as well as a trust fund for victims, in order to assist victim support organizations. The Centre was encouraged to strengthen its technical assistance projects to promote the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. In the proposal, it was suggested that the resources of the trust fund might also be used to that end.

75. Some speakers informed the Commission of examples of good practices in their countries regarding national law reform on victim assistance in criminal proceedings, such as the introduction of remote interviewing techniques in trial, and compensation schemes. References were also made to the establishment of victim assistance centres, national offices and ombudsman services.

C. Action taken by the Commission

76. At its 15th meeting, on 30 April 1998, the Commission recommended to the Economic and Social Council for adoption, two draft resolutions as orally amended. The first, a revised draft resolution entitled "United Nations standards and norms in crime prevention and criminal justice" (E/CN.15/1998/L.10/Rev.1), was sponsored by Angola, Argentina, Austria, Belgium, Botswana, Brazil, Canada, Cape Verde, Côte d'Ivoire, Finland, Germany, Greece, India, Ireland, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mauritius, Morocco, Netherlands, Portugal, Qatar, Russian Federation, Saudi Arabia, South Africa, Spain, Sweden, Togo, Tunisia, Ukraine, United States, Zambia and Zimbabwe. For the text of the revised draft resolution, see chapter I, section B, draft resolution VI. The second draft resolution, entitled "Status of foreign citizens in criminal proceedings" (E/CN.15/1998/L.13), was sponsored by Botswana, Brazil, Colombia, Costa Rica, Ecuador, Lebanon, Syrian Arab Republic and Tunisia. For the text of the draft resolution, see chapter I, section B, draft resolution VII.

Chapter VII

TECHNICAL COOPERATION, INCLUDING RESOURCE MOBILIZATION, AND COORDINATION OF ACTIVITIES

A. Structure of the debate

77. At its 10th, 11th and 12th meetings, on 27 and 28 April 1998, the Commission considered agenda item 8, entitled "Technical cooperation, including resource mobilization, and coordination of activities".

78. For its consideration of item 8, the Commission had before it the following documents and conference room papers:

(a) Report of the Secretary-General on technical cooperation (E/CN.15/1998/9);

(b) Poverty eradication and mainstreaming the gender perspective into all policies and programmes in the United Nations system (E/CN.15/1998/CRP.1);

(c) Report by the Chairman of the informal consultative group on resource mobilization (E/CN.15/1998/CRP.5);

(d) Updated version of the compendium of technical cooperation projects (E/CN.15/1998/CRP.6).

79. At the 10th meeting on 27 April 1998, statements were made by representatives of the following members of the Commission: Lesotho, United States, Republic of Korea, China, Russian Federation, France and Germany. A statement was made by the observer for Chile (on behalf of the group of Latin American and Caribbean States). The observers for Canada, Finland, Morocco and Guatemala made statements. The observers for the Office of the United Nations High Commissioner for Human Rights, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Naif Arab Academy for Security Sciences and the United Nations Development Programme (UNDP) also made statements.

80. At the 11th meeting, on 28 April 1998, a statement was made by the representative of Argentina. An introductory statement to the report of the informal consultative group on resource mobilization was made by Fügen Ok (Turkey), Chairman of the consultative group. The representatives of Islamic Republic of Iran, Philippines, Pakistan, Togo, Japan, Mexico and Colombia made statements. Statements were made by the observer for Lebanon on behalf of the group of Asian States and on behalf of his Government. A statement was made by the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography. The observer for UNDP made a statement. The observers for Defence for Children International Movement and the International Centre of Sociological, Penal and Penitentiary Research and Studies also made statements.

81. At the 12th meeting, the Chairman of the Commission summarized the discussion on agenda item 8.

B. Deliberations

Technical cooperation

82. There was agreement on the importance of technical cooperation and the unique role of the United Nations in that field. It was stressed that the implementation of technical cooperation required a strategic approach to effectively combat organized crime and corruption and to strengthen criminal justice systems. The Commission, noting that the Centre for International Crime Prevention currently did not have the capacity to respond to all requests, welcomed the recent restructuring, which would increase the effectiveness of the technical cooperation capacity of the Centre by establishing specialized units enabling the Centre to focus on the pressing concerns of Member States.

83. The Centre was urged to focus on the following: fighting organized crime and corruption; management and computerization of the criminal justice system; elaboration of model laws and improving criminal law to strengthen capacity to combat organized crime; juvenile justice and victims assistance programmes; and improvement of prison conditions.

84. The Commission emphasized the importance of strengthening the rule of law in post-conflict situations, national reconciliation processes or in situations of ethnic tension. Regional projects against trafficking in human beings were endorsed. Several speakers urged that the Centre should continue to give attention to the issue of urban crime. It was considered valuable to continue activities such as providing training for trainers, organizing workshops and preparing manuals for law enforcement officers and judicial personnel. The sharing of information among developing countries on successful crime prevention techniques and experiences was endorsed, as was the use of experts from developing countries. It was stressed that developing countries should remain primary beneficiaries of technical assistance provided by the Centre. To ensure the quality of projects, it was proposed that a system be established to evaluate technical assistance projects.

85. The activities carried out by the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme were highly appreciated. It was stated that the experience and research capabilities of the institutes should be further utilized.

86. The importance of improved coordination mechanisms, particularly between multilateral and bilateral activities, was stressed. The Commission noted that the Centre had already improved its cooperation with the United Nations International Drug Control Programme, as well as with other United Nations entities such as UNICEF, the World Bank, UNDP and the Office of the United Nations High Commissioner for Human Rights. In the latter context, better coordination between the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights was suggested. In order to enable the United Nations Crime Prevention and Criminal Justice Programme to become more operational, the Commission on Crime Prevention and Criminal Justice endorsed the proposal for the Centre to be recognized as an executing agency by UNDP and for joint field offices to be established with the United Nations International Drug Control Programme.

Resource mobilization

87. The Commission stressed that increased funding was necessary for projects and for the infrastructure to implement the requests received. Appreciation was expressed for the work accomplished by the informal consultative group on resource mobilization and its recommendations. The Commission endorsed the technical cooperation project criteria contained in the report by the Chairman of the informal consultative group.

88. The Commission urged donor countries to reallocate financial resources to multilateral cooperation through the United Nations system and to fund projects that the Centre had elaborated and that were described in the compendium of technical cooperation projects. Member States were called upon to provide increased non-earmarked resources to the Centre for technical cooperation activities. It was stated that the implementation of the future convention against transnational organized crime might attract funds for technical cooperation.

C. Action taken by the Commission

89. At its 14th meeting, on 29 April 1998, the Commission recommended for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled "International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing" (E/CN.15/1998/L.2/Rev.1), sponsored by Angola, Benin, Botswana, Brazil, Cape Verde, China, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Ghana, Lesotho, Malta, Portugal, Romania, Saudi Arabia, Slovenia, South Africa, Sudan, Togo, Tunisia, Uganda, United Kingdom, Zambia and Zimbabwe. For the text, see chapter I, section B, draft resolution VII.

90. At its 15th meeting, on 30 April 1998, the Commission recommended for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled "Technical cooperation and advisory services in crime prevention and criminal justice" (E/CN.15/1998/L.8/Rev.1), sponsored by Belarus, Bolivia, Brazil, Cape Verde, Colombia, Ecuador, Lebanon, Lesotho, Morocco, Philippines, South Africa, Togo, Tunisia, Turkey and United States. Before the Commission recommended the approval of the revised draft resolution, the Secretariat made a statement providing information on financial implications (see annex II). For the text of the revised draft resolution, see chapter I, section B, draft resolution IX.

Chapter VIII

STRATEGIC MANAGEMENT AND PROGRAMME QUESTIONS

A. Structure of the debate

91. At its 12th and 14th meetings, on 28 and 29 April 1998, the Commission considered agenda item 9, entitled "Strategic management and programme questions".

92. For its consideration of item 9, the Commission had before it the following documents and conference room papers:

(a) Report of the Secretary-General on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1998/10);

(b) Report of the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1998/10/Add.1);

(c) Report of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1998/CRP.2);

(d) Report of the bureau of the Commission on Crime Prevention and Criminal Justice at its sixth session on inter-sessional consultations held in 1997 and 1998 (E/CN.15/1998/CRP.7).

93. At its 12th meeting, on 28 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard a statement by the Chairman of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme. Statements were also made by the representatives of United States, Zambia, Japan, France, Tunisia, Philippines and Austria. The observer for Chile (on behalf of the group of Latin American and Caribbean States) made a statement. The observers for Finland and Spain also made statements.

94. At its 14th meeting, on 29 April 1998, the Commission considered the appointment of two members to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. The representatives of the Philippines, Jamaica, Colombia, Saudi Arabia, China, United States, Netherlands, France, Lesotho, Japan, Mexico, Tunisia, Russian Federation and Brazil made statements. The representative of the Netherlands made a statement. The Commission decided by consensus to appoint Setsuo Miyazawa and Alejandro Reyes Posada to the Board of Trustees (see chapter I, section C, draft decision II).

B. Deliberations

95. The Commission welcomed the report of the informal working group to review the mandates and resources of the Programme. It was stated that the work of the working group had proved useful and should be continued. There was agreement with the assessment by the working group that the mandates given to the Programme by the General Assembly in its resolutions 46/152 and 49/159 and in the medium-term plan for the period 1998-2001 were very broad and thus required the identification of a realistic relationship between the expectations of Member States and of available resources. Recommendations contained in the report of the Office of Internal Oversight Services (A/52/777, annex), provided useful guidance in that respect. Ways of

reducing the duties of the Centre associated with servicing intergovernmental bodies were discussed, including the further streamlining of documentation requirements. Self-discipline was also required of Member States, particularly when it came to the formulation of new mandates calling for extensive documentation and reporting to the Commission. It was suggested that the bureau of the Commission could play a more active role in adjusting reporting requirements to the theme chosen for each session of the Commission and Member States' adherence to the Commission resolutions on strategic management. Several speakers urged the Secretariat to ensure that reports for consideration by the Commission were issued well in advance of each session and in all languages.

96. With regard to the relationship between mandates and resources, concern was expressed about the low level of voluntary contributions. While contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund had almost tripled between the biennium 1994-1995, when they had amounted to slightly more than US$ 1 million, and the biennium 1996-1997, when they had reached US$ 3.1 million, projections for the current biennium were not promising. The disparity between mandates and resources threatened the viability of the Programme at the moment when the international community seemed to be gaining in appreciation for the potential of the Centre. Several speakers called upon Governments to provide sufficient resources for the Programme to implement its mandates. The Officer-in-Charge of the Centre stated that, regarding operative paragraph 16 of the revised draft resolution on strategic management of the Programme by the Commission (E/CN.15/1998/L.14/Rev.1), as well as regarding the footnotes to be included in all other draft resolutions in which reference to that revised draft resolution would be made, it was the understanding of the Secretariat that, unless extrabudgetary resources or voluntary donations were received by the Centre, all those mandates not fully covered by the programme budget for the biennium 1998-1999 could not be implemented.

97. The Commission agreed on the usefulness of concentrating work on specific issues for a defined period of time. The focus of the work of the Commission, as reflected in its deliberations on the elaboration of a convention against transnational organized crime, clearly demonstrated the importance given by Member States to that new orientation. The view was expressed that placing greater emphasis on transnational organized crime should not result in the exclusion of other core areas of Programme activities. The work should continue on United Nations standards and norms in crime prevention and criminal justice, information-sharing about their use and application, action against specific crime and action for strengthening the criminal justice system. In many countries, assistance in strengthening basic criminal justice infrastructure was required to lay the foundation for responding to transnational organized crime. In that sense, while making the necessary selection of Programme activities, a balance had to be struck between the various areas, also as related to technical assistance offered by the Programme.

98. The role of the Centre as coordinator of the Programme was highlighted. There was agreement that collaboration should be sought, particularly with the United Nations International Drug Control Programme, the Office of the United Nations High Commissioner for Human Rights and the institutes of the Programme network, in carrying out activities related to servicing events such as the United Nations congresses on the prevention of crime and the treatment of offenders and in providing technical assistance. In coordinating the activities of the Programme with those of other entities, the Centre should ensure the appropriate focus on the specific crime prevention and criminal justice aspects of the mandates being implemented. It was stressed that the Commission should continue to provide policy guidance on those issues.

C. Action taken by the Commission

99. At its 15th meeting, on 30 April 1998, the Commission adopted, as orally amended, a revised draft resolution entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the

United Nations Crime Prevention and Criminal Justice Programme" (E/CN.15/1998/L.14/Rev.1), sponsored by Algeria, Argentina, Austria, Azerbaijan, Belarus, Botswana, Finland, Japan, Lebanon, Lesotho, Netherlands, Russian Federation, Saudi Arabia, South Africa, Sweden, Togo, Tunisia, Turkey, United Kingdom, United States and Zambia. For the text, see chapter I, section D, resolution 7/1.

Chapter IX

PROVISIONAL AGENDA FOR THE EIGHTH SESSION OF THE COMMISSION

100. At its 13th meeting, on 29 April 1998, the Commission considered agenda item 10, entitled "Provisional agenda for the eighth session of the Commission".

101. For its consideration of item 10, the Commission had before it a draft decision submitted by the Chairman entitled "Report of the Commission on Crime Prevention and Criminal Justice on its seventh session and provisional agenda and documentation for the eighth session of the Commission" (E/CN.15/1998/L.1/Add.7).

102. At its 13th meeting, on 29 April 1998, following an introductory statement by the Chairman, the Commission heard a statement by the representative of the Philippines. The observers for Finland and Turkey made statements. The Commission approved the draft decision, as orally amended, for adoption by the Economic and Social Council. For the text, see chapter I, section C, draft decision I.

Chapter X

ADOPTION OF THE REPORT OF THE COMMISSION ON ITS SEVENTH SESSION

103. At the 14th meeting, on 29 April 1998, the Executive Director of the Office for Drug Control and Crime Prevention made a statement.

104. At its 15th meeting, on 30 April 1998, the Commission adopted by consensus the report on its seventh session (E/CN.15/1998/L.1 and Add.1-6 and 8-13) as orally amended. Statements were made by the representatives of the United States, Colombia and Mexico and the observers for Peru, Canada, Chile and Spain.

Chapter XI

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

105. The Commission on Crime Prevention and Criminal Justice held its seventh session at Vienna from 21 to 30 April 1998. The Commission held 15 meetings. The Committee of the Whole and the two working groups established by the Commission at its seventh session held their meetings parallel with the plenary.

106. The seventh session of the Commission on Crime Prevention and Criminal Justice was opened by the outgoing Chairman of the sixth session, Mohamed El Fadhel Khalil (Tunisia), who reported on the intersessional work of the bureau of the Commission, particularly in relation to streamlining the agenda of the Commission and reducing the number of resolutions, as well as the need to decrease the number of reports to be prepared by the Secretariat. In response to Commission resolution 6/1, the bureau examined the criteria that could be used as a guide to determine which types of agenda items should be submitted to the Commission at its subsequent sessions. The bureau also continued its consultations with the bureau of the Commission on Narcotic Drugs in an effort to ensure coordination of the work of the two commissions, particularly in respect of the preparations for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held from 8 to 10 June 1998. The bureau of the Commission on Crime Prevention and Criminal Justice followed up the work of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme and the work of the informal consultative group on resource mobilization. It also held consultations with the Executive Director of the Office for Drug Control and Crime Prevention regarding the reform proposals of the Secretary-General and the question of providing adequate resources for the Programme.

B. Attendance

107. The seventh session was attended by representatives of 38 States members of the Commission and by observers for 74 other States, 12 bodies of the United Nations, 2 specialized agencies, 9 institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 10 intergovernmental organizations and 45 non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Election of officers

108. At its 1st meeting, on 21 April 1998, the Commission elected the following officers by acclamation:

Chairman:	Cristina Luzescu (Romania)
Vice-Chairmen:	Luigi Augusto Lauriola (Italy) Raul E. Granillo Ocampo (Argentina) Kamal Kumar (India)
Rapporteur:	Abubakr Salih Nur (Sudan)

109. The elected officers constituted the bureau of the Commission, which met several times during the session to consider matters relating to the organization of work and to strategic management.

110. Following her election, the Chairman of the seventh session made a brief introductory statement.

111. The Director-General of the United Nations Office at Vienna addressed the Commission for the first time following his appointment as Executive Director of the newly created Office for Drug Control and Crime Prevention. He outlined the priority concerns of the Centre for International Crime Prevention in the coming years, including the new challenges of globalization in the fight against organized crime. He stated that the Centre must refocus its efforts on the regions of the world where the problems of organized crime were the most acute and in areas of work where the United Nations offered a competitive advantage. He cited the promotion of units able to centralize information as one such example. In its pursuits, the Centre needed to work with other organizations and to avoid duplication.

112. The Executive Director invited the Commission to agree on a timetable for completing the draft convention against transnational organized crime and urged it to finalize plans for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. He cautioned that the complex preparations for the Tenth Congress placed a major burden on the resources of the Centre and emphasized that the scope of such future meetings needed to be reviewed. He concluded by calling upon Member States to support the efforts of the Centre and stressed that any new mandates would need to be considered very carefully and to be matched by the requisite financial resources.

D. Agenda and organization of work

113. At its 1st meeting, on 21 April 1998, the Commission adopted by consensus its provisional agenda (E/CN.15/1998/1 and Corr.1), which had been agreed on by the Commission at its sixth session and approved by the Council in its decision 1997/232. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
4. Promotion and maintenance of the rule of law: action against corruption and bribery.
5. Criminal justice reform and strengthening of legal institutions: measures to regulate firearms.
6. International cooperation in combating transnational crime:
    (a) Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime, and other possible international instruments;
    (b) Mutual assistance and international cooperation in criminal matters.
7. Use and application of United Nations standards and norms in crime prevention and criminal justice:
    (a) Administration of juvenile justice;
    (b) Victims of crime and abuse of power.

8. Technical cooperation, including resource mobilization, and coordination of activities:

   (a) Technical cooperation;

   (b) Resource mobilization.

9. Strategic management and programme questions:

   (a) Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme;

   (b) Programme questions.

10. Provisional agenda for the eighth session of the Commission.

11. Adoption of the report of the Commission on its seventh session.

114. At the same meeting, the Commission adopted the organization of work for its seventh session (E/CN.15/1998/1/Add.1), which included four meetings for the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, two meetings for the working group on United Nations standards and norms in crime prevention and criminal justice and six meetings for the Committee of the Whole. The reports of the two working groups are reproduced in annexes III and IV to the present report.

E. Documentation

115. The documents before the Commission are listed in annex VI to the present report.

Annex I

ATTENDANCE

Members*

Argentina: Raul E. Granillo Ocampo, Andrés Pesci Bourel, Eugenio María Curia, Mariano Ciafardini, Juan De Lezica, Ana Luisa Wirth-Schwind, Ricardo Massot, Jorge Alfredo Agundez, Pedro David, José Allevato

Austria: Irene Freudenschuss-Reichl, Franz Cede, Ferdinand Trauttmansdorff, Gregor Schusterschitz, Margit Bruck-Friedrich, Susanne Keppler-Schlesinger, Stephan Brenner, Ulrike Kathrein, Michaela Oberbauer

Benin: Oumouratou Moutairo Yessoufou

Bolivia: Ana María Cortes De Soriano, María Lourdes Espinoza

Botswana: Norman S. Moleboge, Victor V. Ghanie

Brazil: Sandra Valle, Damasio E. De Jesus, José Jorge Alcazar Almeida, Licinio Barbosa, Sonja Fonseca

China: Zhang Geng, Zhang Yishan, Zheng Jingren, Guo Jian'an, Huang Feng, Liu Guoxiang, Bai Ping, Chen Peijie, Zhai Jinrong, Zhai Xingfu, Huang Shaoping, Zhang Yi, Zhao Qiang, Tong Bishan

Colombia: Carlos Holmes Trujillo-Garcia, Alfredo Vargas-Abad, Alberto Rueda Montenegro, Enrique Antonio Celis-Duran

Costa Rica: Stella Aviram Neuman, Randolph Coto Echeverria

Côte d'Ivoire: Aka Guy Claude

Ecuador: Eduardo Brito, Patricio Palacios Cevallos, Juan Holguín

Egypt: Ibrahim Khairat, Iskandar Ghatas, Sanaa Khalil, Ahmed Galal Ezzeldine, Hisham Ahmed Sorour, Mohamed Ali Naguib

Fiji: Kiniviliaame Keteca

France: Bérengère Quincy, Eric Danon, Daniel Labrosse, François Poinsot, Bruno Guerquin, Tristan Gervais de Lafond, Didier Michel, Geneviève Tichoux, Michel Gauthier, Joël Sollier, Valerie Gremer, Michel Quille, Christian Erre

Germany: Karl Borchard, Michael Grotz, Konrad Hobe, Volker Klein, Holger Mahnicke, Marco Duerrkop, Albrecht Volkwein

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*Gambia and Malawi were not represented at the session.

India: Kamal Kumar, V. K. Malhotra, J. Y. Umraniker

Iran (Islamic Republic of): Hossein Karimi, Mohammad Hassan Fadaeifard, Hoseein-Ali Naiari, Seyed Ali Mohammed Mousavi, Amir Hossein Hosseini

Italy: Giovanni Maria Flick, Vincenzo Manno, Luigi Augusto Lauriola, Massimo Curico, Saba D'Elia, Renato Castellani, Domenico Carcano, Giusto Sciacchitano, Gioacchino Polimeni, Gualtiero Michelini, Stefania Merlo, Angelo Ciancarella, Salvatore Guglielmino, Andrea Portuesi, Giorgio De Marco, Renato Ferraro, Maurizio Zini, Massimo Di Marco, Luigi Sico, Grazia Giammarinaro, Antonio Lo Monaco

Jamaica: Owen Clunie

Japan: Yuki Furuta, Nobuaki Ito, Mikinao Kitada, Jiro Ono, Kenichi Suganuma, Hiroyuki Ota, Goro Aoki, Mamoru Miura, Tomoko Akane, Hiroshi Sakai, Kaoru Misawa, Hideaki Mori, Nobuhiro Watanabe, Yo Osumi, Kengo Yoshihara, Takashi Sato, Yoshiyuki Ishiwata, Kumiko Mita

Lesotho: M. L. Lehohla, T. M. Mohlabane, C. L. Mapetla, C. L. Siimane

Mexico: Roberta Lajous, Victor Arriaga Weiss, Agustin De Pavia, Raúl Izabal Montoya, Martin Muñoz Ledo Villegas

Netherlands: Hans A.F.M. Förster, Jan van Dijk, Jan Peek, Marjorie Bonn, Richard Scherpenzeel, Thijs P. van der Heijden, Neline Koornneef

Pakistan: Shaukat Umer, Afrasiab, Zaheer Pervaiz Khan

Philippines: José Z. Zaide Jr., Victoria S. Bataclan, Jovencito R. Zuño, Severino H. Gana Jr., Mary Anne A. Padua, Felix De Leone Jr.

Poland: Janusz Rydzkowski, Joanna Janiszewka, Michal Plachta, Mariusz Skowronski, Jaroslaw Strejczek

Republic of Korea: Kim Joong-jae, Chae Jung-sug, Kim Young-june, Lim Woong-soon, Koo Hyun-mo

Romania: Cristina Luzescu, Virgil-Constantin Ivan, Monica Zubcu, Florentina Voicu, Ion Sotirescu

Russian Federation: Oleg M. Sokolov, Vladimir E. Tarabrin, Victor S. Dolmatov, Yuri V. Ivanov, Yuri V. Golik, Natalya Y. Goltsova, Anatoliy G. Radatchinski, Alexander V. Zinevitch, Viacheslav V. Sergeev, Ygor V. Polozkov, Alexander S. Gappoev, Andrey Y. Averin

Saudi Arabia: Omar Mohammad Kurdi, Abdul-Rahim Mashni Al-Ghamidi, Mutlq S. Al-Dabjan, Adallah ibn Abdul-Rahmin Al-Yusuf, Abdul-Rahman Hamdan Al-Shammari, Fahad Al-Manna'a, Mohammad Nasser Al-Oulah, Mohammed Al-Saiari, Said Alrachach, Khalid Al-Sobaie, Saleh Al-Selimi

Sudan: Abubakr Salih Nur, Ali Mohamed Elzaki, Kureng Akuei Pac

Swaziland: Nonhlanhla Pamela Tsabedze

Sweden: Klas Bergenstrand, Björn Skala, Örjan Landelius, Ewa Nyhult, Louise Heckscher, Per Hedvall, Leif Holmström, Mikael Johansson, Henrik Andersen, Jan Olsson, Annika Markovic

Togo: Benivi Beni-Locco

Tunisia: Mohamed El Fadhel Khalil, Mohamed Lejmi, Abderrazak Mansour, Abderrahmane Belhaj Frej, Zied Bouzouita

Ukraine: Vasyl Maliarenko, Rostyslav Tronenko, Mykola Melenevskyi, Victor Bezkorovainyi, Dmytro Konopko

United States of America: Bobb Barr, Jonathan Winer, John B. Ritch III, Drew Arena, Ashley Oliver Barrett, Jeff Bullwinkle, Daniel Glaser, Kenneth Harris, Enrique Perez, Kenneth Propp, James Puleo, Lewis Raden, S. Gail Robertson, Joseph Snyder III, Adrienne Stefan, Herbert S. Traub, Karen Wehner, Beverly Zweiben

Zambia: K. T. Mwansa, S. M. Ngangula, E. M. Katongo

States Members of the United Nations represented by observers

Algeria, Angola, Armenia, Australia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Finland, Georgia, Ghana, Greece, Guatemala, Hungary, Indonesia, Iraq, Ireland, Israel, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Malta, Mauritania, Mauritius, Morocco, Mozambique, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Portugal, Qatar, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe

Non-member States represented by observers

Holy See, Switzerland

United Nations

Secretary of the Fifth Committee of the General Assembly, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Division for the Advancement of Women, United Nations International Drug Control Programme, Economic Commission for Europe, Office of the United Nations High Commissioner for Human Rights, United Nations Children's Fund, United Nations Development Programme, International Research and Training Institute for the Advancement of Women, United Nations Interregional Crime and Justice Research Institute, Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, Committee on the Rights of the Child

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, Naif Arab Academy for Security Sciences, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council, International Institute of Higher Studies in Criminal Sciences, Raoul Wallenberg Institute of Human Rights and Humanitarian Law

Specialized agencies

United Nations Educational, Scientific and Cultural Organization, Universal Postal Union

Intergovernmental organizations

Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council, European Commission, Europol Drugs Unit, International Centre for Migration Policy Development, International Criminal Police Organization, League of Arab States, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: International Abolitionist Federation, International Alliance of Women—Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, World Confederation of Labour, Zonta International

Special consultative status: Amnesty International, Asia Crime Prevention Foundation, Association for the Prevention of Torture, Baha'í International Community, Caritas Internationalis (International Confederation of Catholic Charities), Centro Nazionale di Prevenzione e Difesa Sociale, Coalition against Trafficking in Women, Defence for Children International Movement, Friends World Committee for Consultation, International Association of Judges, International Association of Lawyers, International Association of Penal Law, International Bar Association, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Federation of Social Workers, International Federation of University Women, International Fellowship of Reconciliation, International Institute of Humanitarian Law, International League for Human Rights, International Society for Criminology, International Society of Social Defence, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., Open Society Institute, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, Prison Fellowship International, Salvation Army, War Resisters International, World Society of Victimology

Roster: International Council of Psychologists, International Narcotic Enforcement Officers Association, Inc., International Peace Bureau, National Rifle Association of America/Institute for Legislative Action, Verification Technology Information Centre, International Sociological Association

Annex II

PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTIONS[*]

1. A review of the draft resolutions under consideration by the Commission on Crime Prevention and Criminal Justice at its seventh session indicates that some of them contain requests to the Secretary-General which touch upon budgetary matters. Accordingly, the attention of the members of the Commission is drawn to General Assembly resolution 45/248 B, section VI, in which the Assembly:

(a) Reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters;

(b) Reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions;

(c) Expressed its concern at the tendency of its substantive Committees and other inter-governmental bodies to involve themselves in administrative and budgetary matters;

(d) Invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

A. Programme budget implications of the revised draft resolution on technical cooperation and advisory services in crime prevention and criminal justice[**]

2. In operative paragraph 10 of the revised draft resolution entitled "Technical cooperation and advisory services in crime prevention and criminal justice", the Economic and Social Council would request the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 and 4/3, to further enhance the resources required for the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, including travel funds for the mobilization of resources and special efforts for fund-raising. The General Assembly, in its resolution 52/221, approved the Secretary-General's proposed programme budget for the biennium 1998-1999[a] and the proposals of the Secretary-General in his report entitled "United Nations reform: measures and proposals" (A/52/303 and Add.1). The regular budget resources approved within the proposed programme budget for the biennium 1998-1999 for the Centre for International Crime Prevention under section 14 and section 21 (Regular programme of technical cooperation) have been increased by 8.3 per cent and 19.8 per cent respectively. As regards the issue of enhancing extrabudgetary resources for operational activities,

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[*] The statements of programme budget implications were made orally by the Chief of the Finance and Budget Section, Division of Administrative and Common Services, United Nations Office at Vienna, at the request of the Office of the Controller.

[**] For the text of the revised draft resolution, which appeared under the symbol E/CN.15/1998/L.8/Rev.1, see chapter I, section B, draft resolution IX.

[a] *Official records of the General Assembly, Fifty-second Session, Supplement No. 6* (A/52/6/Rev.1).

the Secretariat intends to bring the request of the Commission to the attention of all prospective contributors, particularly the State members of the Commission.

3. In operative paragraph 12 of the revised draft resolution, the Economic and Social Council would call upon the Executive Director of the Office for Drug Control and Crime Prevention to consider enhancing the operational activities of the United Nations Crime Prevention and Criminal Justice Programme by establishing a presence at the country or subregional level, jointly with the United Nations International Drug Control Programme, where appropriate. In directing this request to the Executive Director of the Office for Drug Control and Crime Prevention, the Secretariat interprets it to mean that the related activities will be financed through extrabudgetary resources. There would be, therefore, no implications for the current regular budget appropriation under section 14 arising from implementation of the proposal in operative paragraph 12 of the revised draft resolution.

B. Programme budget implications of the revised draft resolution on transnational organized crime[*]

4. Subject to the revisions just cited by the Secretariat, operative paragraphs 10-12 of the revised draft resolution entitled "Transnational organized crime" read as follows:

> "*The General Assembly*,
>
> "...
>
> "10. *Decides* to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and the illegal trafficking in and transporting of migrants, including by sea;
>
> "11. *Welcomes with appreciation* the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee at Buenos Aires from 31 August to 4 September 1998, in order to enable the continuation of the work on the elaboration of the convention without interruption;
>
> "12. *Requests* the Secretary-General to convene a meeting of the ad hoc committee at Vienna from 18 to 29 January 1999 and to consider the possibility of convening a second meeting before the eighth session of the Commission on Crime Prevention and Criminal Justice, if this proves necessary to advance the process".

5. In order to implement the activities in the above request, two staff members of the Centre for International Crime Prevention would have to service the meeting at Buenos Aires. There would also be interpretation, report production and general operating expenses for the meeting. At Vienna, it is envisaged that there would be full conference service support, including simultaneous interpretation in the six official languages of the United

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[*] For the text of the revised draft resolution, which appeared under the symbol E/CN.15/1998/L.9/Rev.1, see chapter I, section A, draft resolution II.

Nations. There would be 32 pages of pre-session documentation (A/C/E/F/R/S), 32 pages of in-session documentation (A/C/E/F/R/S) as well as 32 pages of post-session documentation (A/C/E/F/R/S).

6. Total resource requirements for the above-mentioned activities are estimated at full costs as follows:

Travel of two staff members of the Centre for International Crime Prevention to the meeting at Buenos Aires	$13,500
Conference-servicing requirements at full costs (section 27E)	
Meeting at Buenos Aires, 5 days, 1998	
Meeting services, including interpretation (E/F/S)	12,500
Parliamentary documentation	
Post-session, 32 (E only)	3,200
General operating expenses	5,000
Total conference-servicing requirements	**20,700**
Meeting at Vienna, 10 days, 1999	
Meeting services, including interpretation (A/C/E/F/R/S)	148,200
Parliamentary documentation	
Pre-session, 32 pages (A/C/E/F/R/S)	37,200
In-session, 32 pages (A/C/E/F/R/S)	42,600
Post-session, 32 pages (A/C/E/F/R/S)	37,200
General operating expenses	10,000
Total conference-servicing requirements	**275,200**
Total requirements for two meetings	**$295,900**

7. As indicated above, the activities described in the revised draft resolution are new and no provision of resources for their implementation has been made in the programme budget for the biennium 1998-1999. Following a review of its programme of work and available resources, it has been concluded that no existing resources can be redeployed to meet travel requirements. For the planned meeting in Argentina, under the terms of General Assembly resolution 40/243, the prospective host Government will defray both the travel costs of Secretariat staff servicing the meeting and any and all other incremental costs arising from the proposed shift of venue of the meeting from Vienna to Buenos Aires. With respect to the conference-servicing requirements, the extent to which the Organization's permanent capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences to be approved for 1999. However, provision is made under section 27E for the biennium 1998-1999 not only for meetings programmed at the time of budget preparation but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings established in past years.

8. Consequently, should the revised draft resolution be adopted, there would be no additional appropriations required.

C. Programme budget implications of the revised draft resolution on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[*]

9. In the revised draft resolution entitled "Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", the General Assembly would request the Secretary-General to undertake specific action in preparation for the Tenth Congress. In particular, in operative paragraph 13 (b), the Secretary-General would be requested to ensure a wide and effective programme of public information related to the preparations for the Tenth Congress, to the Congress itself and to the implementation of its conclusions.

10. The activities proposed in operative paragraph 13 (a) are related to programme 23 (Public information) of the medium-term plan for the period 1998-2001 and to section 26 of the proposed programme budget for the biennium 1998-1999.

11. Should the draft resolution be adopted, additional resources of $385,000 would be required for press kits, posters, assistance to some 67 United Nations information centres and United Nations Information Service offices for local language material etc. It is envisaged that $120,000 of this total would be required in 1999, the balance in the year 2000.

12. The above-mentioned activities are new and were not included in the programme budget for the biennium 1998-1999. Should the draft resolution be adopted, recourse to the contingency fund amounting to $120,000 would be required. Owing to the late submission of the revised draft resolution, a full statement of the programme budget implications will be submitted to the Economic and Social Council at its substantive session of 1998.

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[*] For the text of the revised draft resolution, which appeared under the symbol E/CN.15/1998/L.11/Rev.1, see chapter I, section A, draft resolution I.

Annex III

REPORT OF THE WORKING GROUP ON THE IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME

1. The working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime was established by the Commission on Crime Prevention and Criminal Justice at its seventh session. The working group held four meetings, on 22 and 23 April 1998. Pursuant to a decision of the bureau of the Commission, the working group was chaired by Luigi Lauriola (Italy), Vice-Chairman of the Commission at its seventh session.

2. The working group discussed the draft convention against transnational organized crime, basing its work on the results of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998 (E/CN.15/1998/5), pursuant to General Assembly resolution 52/85.

3. The working group agreed that the elaboration of the convention must proceed at a vigorous pace, with a view to completing the negotiation process, if possible, by the year 2000. For that purpose, the working group recommended to the Commission:

(a) To establish, on an ad hoc basis, an open-ended intergovernmental committee to carry out the negotiations for the finalization of the draft convention;

(b) To accept the invitation of the Government of Argentina to host the first meeting of the ad hoc committee at Buenos Aires from 31 August to 4 September 1998;

(c) To request the Secretary-General to organize the second meeting of the ad hoc committee for 10 working days at Vienna in January 1999 and to consider the possibility of organizing a third meeting before the convening of the eighth session of the Commission, if necessary to advance the negotiating process;

(d) To request the ad hoc committee to submit a progress report to the Commission at its eighth session and to establish an in-session working group that should meet for at least three working days to review that report;

(e) To elect Luigi Lauriola (Italy) as the Chairman of the ad hoc committee, to be assisted in the organization of the work by an informal working group,[*] which should meet as resources permit.

4. The working group carried out a thorough discussion of the options compiled in the report of the meeting of the intergovernmental group of experts held at Warsaw (E/CN.15/1998/5, para. 72). In particular, it discussed

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[*] Representatives of the following States indicated their interest in participating in the informal group: Argentina, Australia, Austria, Azerbaijan, Brazil, Canada, China, Colombia, Finland, France, Germany, Italy, Japan, Mexico, Netherlands, Poland, Russian Federation, Spain, Sudan, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America. The Chairman stated that the first meeting of the "friends of the Chair" might be held at Rome in June 1998, during the Plenipotentiary Conference for the Establishment of the International Criminal Court, to be held from 15 June to 17 July 1998.

the chapters on scope of application of the convention; participation in an organized crime group; money-laundering; corporate criminal liability; sanctions; confiscation; transparency of transactions; jurisdiction; extradition; obligation to extradite or prosecute (*aut dedere aut judicare*); extradition of nationals; and consideration of requests for extradition.

5. The representatives of Canada and Finland submitted a text consolidating various options found in the above-mentioned chapters. That text, which is contained in appendix I, reflected comments and observations made during the above-mentioned discussion and took into account proposals for the use of provisions of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime* and the International Convention for the Suppression of Terrorist Bombings (adopted by the General Assembly in its resolution 52/164). Also incorporated into the text were specific written proposals submitted by the representatives of France and the Libyan Arab Jamahiriya.

6. Many representatives were of the view that the elaboration of the convention should take into consideration the draft Joint Action adopted by the Council of the European Union on the basis of article K.3 of the Treaty on European Union on making it a criminal offence to participate in a criminal organization in the member States of the European Union, the text of which is contained in appendix II.

7. The representative of Azerbaijan submitted a written proposal on extradition, which is contained in appendix III. The representative of Japan submitted a non-paper on scope of application, which is contained in appendix IV.

8. The working group recommended to the Commission that the background documentation for the first meeting of the ad hoc committee mentioned in paragraph 3 above consist in the report of the Warsaw meeting (E/CN.15/1998/5) and the present report, together with its appendices.

9. Prior to the closing of the meeting, the representatives of Colombia, Pakistan, Peru and Turkey expressed their appreciation to the Chairman for the skilful and productive conduct of the meeting. The representative of Colombia stated that there was a need for an international instrument that would be compatible with all national legal systems and would reflect consensus on its objectives and scope of application and on a comprehensive definition of transnational organized crime. The purpose of the instrument would be to allow State parties to it to afford one another international cooperation and mutual legal assistance with full respect of the principles embodied in the Charter of the United Nations, international law, national legislation and human rights. The instrument should ensure effective action against grave manifestations of transnational organized crime, such as money-laundering, trafficking in women and children, trafficking in human organs, corruption, trafficking in arms and explosives and trafficking in stolen motor vehicles. The representative of Pakistan highlighted the need for the convention to define the term "transnational organized crime", as well as to include a list of offences. That representative also maintained that, in order to ensure its wide acceptability, the convention should take into account the principles of territorial integrity and sovereignty of States. The representative of Peru was of the view that the convention should include specific provisions that would ensure its compatibility with the fundamental principles of national law. The representative of Turkey supported the inclusion of an illustrative list of offences and could not agree to any provision on the scope of application that would not include the offences listed in option 6 of chapter 2 of the report on the Warsaw meeting (E/CN.15/1998/5, para. 72), specifically the item on terrorist acts. The representative of Turkey was of the view that the convention should include provisions on cooperation relating to terrorist acts.

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*European Treaty Series, No. 141.

Appendix I

CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

The draft text of the convention presented below reflects the amendments made during the deliberations of the Commission on Crime Prevention and Criminal Justice at its seventh session, held at Vienna from 21 to 30 April 1998. All amendments are underlined.[*]

As at 23 April 1998, changes had been made to articles 2-9, with certain paragraphs from article 6 transferred to articles 3, 4, 10 and 14. Most of the proposed amendments amalgamated the options prepared at the meeting of the inter-sessional and open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized crime, held at Warsaw from 2 to 6 February 1998. A new option has been added to article 2, on the scope of application. A new article 4 *bis*, on "use of terms", was added; that article could also go in the beginning and could include a working definition of a criminal organization or of organized crime. A new option 2 was added to article 5. Chapters 5 and 6 of the text contained in chapter III of the report of the Warsaw meeting (E/CN.15/1998/5) were retitled.

Article 1. Statement of objectives

(Note: this article was not discussed on 22 April 1998, except peripherally in connection with the discussion on chapter 2.)

Option 1

1. The purpose of this Convention is to promote cooperation among the States Parties so that they may address more effectively the various aspects of organized crime having an international dimension. In carrying out their obligations under the Convention, the Parties shall take necessary measures, including legislative and administrative measures, in conformity with the fundamental provisions of their respective domestic legislative systems (United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 2).

Option 2

1. States Parties commit themselves to cooperate to the widest extent possible in the prevention and control of organized transnational crime (Russian Federation).

Option 3

1. States Parties commit themselves to cooperate to the widest extent possible in the prevention and control of organized crime.

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[*] The origin of each paragraph below is identified at the end of the paragraph or group of paragraphs in parentheses. Lack of identification of the origin indicates that the paragraph combines texts from the annexes to the draft resolution recommended for adoption by the General Assembly, contained in Economic and Social Council resolution 1997/22, or other international instruments, with various proposals made during the meeting but not submitted in writing.

2. For the purpose of this Convention, "organized crime" means group activities of three or more persons, with hierarchical links or personal relationships, which permit their leaders to earn profits or control territories or markets, internal or foreign, by means of violence, intimidation or corruption, both in furtherance of criminal activity and to infiltrate the legitimate economy (based on a combination of the Russian proposal and article 1 of the Polish draft).

Promotion of implementation

1. Each State Party shall take effective measures to promote within its territory accountability and the scrutiny of its action in the implementation of this Convention.

2. A State Party may adopt more strict or severe measures than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of organized crime (Trinidad and Tobago).

Article 2. Scope of application

(Note: options 1 and 2 were withdrawn, and the other options were combined to form two new options; option 1 is "disjunctive" and option 2 is "conjunctive".)

New option 1

1. States Parties commit themselves to cooperate to the widest extent possible in combating transnational organized crime. For that purpose, the Convention shall apply to [the prevention, investigation and prosecution of] serious crime, which is defined to be any offence punishable [in the requesting State] by imprisonment or other deprivation of liberty of not less than ____ years. The seriousness of the offence may also be inferred from the involvement of a criminal organization in committing the offence, the transnational effect of the offence or any other element typical of organized crime.

(An illustrative list of offences would be inserted into the *travaux préparatoires*.)
(The articles on, for example, extradition and mutual legal assistance could include, as grounds for refusal of assistance, "if, in view of the circumstances of the suspected offence, it evidently did not involve a criminal organization and acceding to the request would overburden the authorities of the requested State".)

New option 2

1. The Convention shall apply to serious crime when the circumstances provide reasonable grounds to believe that a criminal organization was involved in the commission of an offence.

2. Serious crime is defined as any offence punishable by imprisonment or other deprivation of liberty of a maximum of at least [ ] years.

3. Among the circumstances which may be taken into account in deciding whether there are reasonable grounds to believe that a criminal organization was involved are the following:

(a) The nature of the offence;

(b) The transnational character of the offence;

(c) Whether money-laundering is involved; or

(d) Whether the offence required significant planning or means for its commission.

(An illustrative list of offences would be inserted into the *travaux préparatoires.*)

Option 3

1. For the purpose of this Convention, "organized crime" means group activities of three or more persons, with hierarchical links or personal relationships, which permit their leaders to earn profits or control territories or markets, internal or foreign, by means of violence, intimidation or corruption, both in furtherance of criminal activity and to infiltrate the legitimate economy, in particular by:

(a) Illicit traffic in narcotic drugs or psychotropic substances, money-laundering [...];

(b) Traffic in persons [...];

(c) Counterfeiting of currency [...];

(d) Illicit traffic in or stealing of cultural objects [...];

(e) Stealing of nuclear material, its misuse or threat of misuse to harm the public [...];

(f) Terrorist acts;

(g) Illicit traffic in or stealing of arms and explosive materials or devices;

(h) Illicit traffic in or stealing of motor vehicles;

(i) Corruption of public officials.

2. For the purpose of the present Convention, "organized crime" includes commission of an act by a member of a group as part of the criminal activity of such group.

(Note: the remainder of this article has not been discussed.)

Non-applicability to offences with solely domestic connections

Option 1

1. This Convention shall not apply where the offence is committed within a single State, all members of the criminal group are nationals of that State and the victims are nationals or entities of that State (China).

Option 2

1. This Convention shall not apply where the offence is committed within a single State, all members of the criminal group are nationals of that State and the victims are nationals or entities of that State,

except that the provisions of articles concerning judicial assistance may, as appropriate, apply where the offence is serious and of an organized nature (China).

Principle of non-intervention

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States (1988 Convention, article 2, paragraph 2).

Exclusive exercise of jurisdiction and performance of functions

1. A State Party shall not undertake in the territory of another State the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State by its domestic law (1988 Convention, article 2, paragraph 3).

Protocols

1. The annexed Protocols form an integral part of this Convention.

Choice of international instrument

[Insert the provision on the selection of instrument when several international instruments would be applicable.]

States Parties may apply article(s) ____ of this Convention to other multilateral conventions to the extent agreed between States Parties (article 13 of the United States draft).

Article 3. Participation in a criminal organization

(Options 1-5 were merged into the following:)

1. Each State Party shall undertake, in accordance with the fundamental principles of its domestic legal system, to make punishable one or both of the following types of conduct:

(a) Conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of crimes or offences which are punishable by imprisonment or other deprivation of liberty of at least [ ] years; or

(b) Conduct by any person who participates in a criminal organization, where such participation is intentional and either be with the aim of furthering the general criminal activity or criminal purpose of the group or be made in the knowledge of the intention of the group to commit offences.

(Subparagraph (a) is based on article 2, paragraph 2, of the draft joint action adopted by the Council of the European Union on making it a criminal offence to participate in a criminal organization in the member States of the European Union, and subparagraph (b) is based on article 2, paragraph 3 (c), of the International Convention for the Suppression of Terrorist Bombings (General Assembly resolution 52/164, annex).)

2. Nothing contained in this article shall affect the principle that the description of the offences to which it refers and of legal defences thereto is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in conformity with that law (1988 Convention, article 3, paragraph 11; transferred from article 6).

Article 4. Money-laundering

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as offences under its domestic law, when committed intentionally:

(a) The conversion or transfer of property, knowing that such property is proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her actions;

(b) The concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property, knowing that such property is proceeds of crime; and, subject to its constitutional principles and basic concepts of its legal system;

(c) The acquisition, possession or use of property, knowing, at the time of receipt, that such property was proceeds of crime;

(d) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For the purposes of implementing or applying paragraph 1 of this article:

(a) It shall not matter whether the predicate offence was subject to the criminal jurisdiction of the State Party;

(b) It may be provided that the offences set forth in that paragraph do not apply to the persons who committed the predicate offence;

(c) Knowledge, intent or purpose required as an element of an offence set forth in that paragraph may be inferred from objective, factual circumstances.

3. Each State Party may adopt such measures as it considers necessary to establish also as offences under its domestic law all or some of the acts referred to in paragraph 1 of this article, in any or all of the following cases where the offender:

(a) Ought to have assumed that the property was proceeds of crime;

(b) Acted for the purpose of making profit;

(c) Acted for the purpose of promoting the carrying on of further criminal activity (Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, article 6).

[4. States Parties shall take appropriate measures to ensure that assets generated by illegal activity or its proceeds are not made legal and shall take legal measures to ensure that:

(a) A person convicted as a member of organized crime shall prove the legality of the purchase of goods which belong to him or in respect of which he acts as owner; otherwise they shall be confiscated;

(b) Goods which are the proceeds of the illegal activities of organized crime cannot be transferred as an inheritance, bequest, gift or in any other way;

(c) Goods which are the proceeds of illegal activities will be deemed illegal, and legal principles shall not apply to them;

(d) States shall establish fines as penalties in proportion to the sums obtained by the activities of organized crime.]

[5. States Parties shall adopt appropriate measures to apply instruments which relate to money-laundering to banking or financial markets, including stock exchanges, *bureaux de change* etc. (Mexico).]

6. Nothing contained in this article shall affect the principle that the description of the offences to which it refers and of legal defences thereto is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in conformity with that law (1988 Convention, article 3, paragraph 11; transferred from article 6).

Article 4 bis. Use of terms

1. For the purposes of this Convention:

(a) "Proceeds of crime" means any economic advantage from criminal offences. It may consist of property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing that title to, or interest in such property;

(b) "Predicate offence" means any crime or offence as a result of which proceeds were generated that may become the subject of an offence as defined in article 4 of this Convention (based on chapter 1 of the Council of Europe Convention).

Article 5. Corporate liability

Option 1

1. Each State Party shall establish in its domestic legislation the possibility that legal persons may be held liable if they derive profits from organized crime or function as a cover for a criminal organization. Subject to the fundamental legal principles of the State Party, such liability of the legal person may be criminal, civil, administrative or commercial. Such liability shall be without prejudice to the criminal liability of the natural persons who were the perpetrators of the offences or of their accomplices. Each State shall ensure, in particular, that legal persons may be penalized in an effective, proportionate and dissuasive manner and that material and economic sanctions may be imposed on them (Finland).

Option 2

1. Each contracting State shall consider including in its domestic legislation the possibility of holding private bodies on public corporate bodies of private benefit liable for profiting from organized crime or operating as cover for a criminal organization (Libyan Arab Jamahiriya).

Option 3

1. Each State Party shall take such measures as may be necessary to establish the liability of legal persons for the offences set out in the articles (articles of criminalization) of this Convention, on its behalf and for its account which are committed ...

2. Such liability may, in accordance with the fundamental legal principles of the State Party, be criminal, civil and administrative.

3. Such liability of the legal persons shall be without prejudice to the criminal liability of the natural persons who were the perpetrators of the offences or of their accomplices.

4. Each State shall ensure, in particular, that legal persons may be penalized in an effective, proportionate and dissuasive manner and that material and economic sanctions may be imposed on them (France).

Article 6. Effective prosecution, adjudication and sanctions

1. Each State Party shall make the commission of the offences that are the subject of this Convention liable to sanctions which take into account the grave nature of these offences, such as imprisonment or other forms of deprivation of liberty, pecuniary sanctions and confiscation (1988 Convention, article 3, paragraph 4, and article 2, paragraph 1, of the Polish draft).

2. States Parties shall endeavour to ensure that any discretionary legal powers under their domestic law relating to the prosecution of persons for offences that are the subject of this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences (1988 Convention, article 3, paragraph 6).

3. States Parties shall ensure that their courts or other competent authorities bear in mind the serious nature of the offences that are the subject of this Convention, when considering the eventuality of early release or parole of persons convicted of such offences (1988 Convention, article 3, paragraph 7).

4. Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence that is the subject of this Convention and a longer period where the alleged offender has evaded the administration of justice (1988 Convention, article 3, paragraph 8).

5. Each State Party shall take appropriate measures, consistent with its legal system, to ensure that a person charged with or convicted of an offence that is the subject of this Convention, who is found within its territory, is present at the necessary criminal proceedings (1988 Convention, article 3, paragraph 9).

(Note: paragraph 6 has been transferred to articles 10 and 14, and paragraph 7 has been transferred to articles 3 and 4.)

Article 7. Confiscation

Option 1

1. States Parties shall adopt such measures as may be necessary to enable confiscation of:

(a) Proceeds derived from offences set forth in articles 3 and 4 or property the value of which corresponds to that of such proceeds;

(b) Property, equipment or other instrumentalities used in or intended for use in offences set forth in articles 3 and 4 (article 7, paragraph 1, of the United States draft).

Option 2

1. States Parties shall adopt such measures as may be necessary to enable confiscation of:

(a) Proceeds derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;

(b) Property, equipment or other instrumentalities used in or intended for use in offences covered by this Convention.

(Option 3: proposal by Ecuador to combine paragraphs 1 and 2)

2. States Parties shall adopt such measures as may be necessary to enable the identification, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation (article 7, paragraph 2, of the United States draft).

3. For the purposes of paragraphs 1 and 2 in this article, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy (1988 Convention, article 5, paragraph 3).

4. (a) Following a request made pursuant to this article by another State Party having jurisdiction over an offence established in accordance with articles 3 and 4 [alternatively: ... over an offence covered by this Convention], the State Party in whose territory proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article are situated shall:

(i) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such order is granted, give effect to it; or

(ii) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by the requesting Party in accordance with paragraph 1 of this article, insofar as it relates to proceeds of crime, property, instrumentalities or any other things referred to in paragraph 1 situated in the territory of the requested Party.

(b) Following a request made pursuant to this article by another State Party having jurisdiction over an offence established in accordance with articles 3 and 4 [alternatively: ... over an offence covered by this Convention], the requested Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, instrumentalities or any other things referred to in paragraph 1 of this article for the purpose of eventual confiscation to be ordered either by the requesting Party or, pursuant to a request under subparagraph (a) of this paragraph, by the requested Party.

(c) The decisions or actions provided for in subparagraphs (a) and (b) of this paragraph shall be taken by the requested State Party, in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting Party.

(d) The provisions of article ____ (on mutual assistance) are applicable *mutatis mutandis*. In addition to the information specified in article ____, paragraph ____, requests made pursuant to this article shall contain the following:

(i) In the case of a request pertaining to subparagraph (a) (i) of this paragraph, a description of the property to be confiscated and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested Party to seek the order under its domestic law;

(ii) In the case of a request pertaining to subparagraph (a) (ii), a legally admissible copy of an order of confiscation issued by the requesting State Party upon which the request is based, a statement of the facts and information as to the extent to which the execution of the order is requested;

(iii) In the case of a request pertaining to subparagraph (b), a statement of the facts relied upon by the requesting State Party and a description of the actions requested.

[Note: subparagraph (d) could be transferred to the chapter on mutual legal assistance.]

(e) Each State Party shall furnish the Secretary-General with the text of any of its laws and regulations which give effect to this paragraph and the text of any subsequent changes to such laws and regulations.

[Note: subparagraph (e) could be transferred to the chapter on the role of the United Nations.]

(f) If a State Party elects to make the taking of the measures referred to in subparagraphs (a) and (b) of this paragraph conditional on the existence of a relevant treaty, that Party shall consider this Convention as the necessary and sufficient treaty basis.

(g) States Parties shall seek to conclude bilateral and multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation pursuant to this article (1988 Convention, article 5, paragraph 4).

5. (a) Proceeds of crime or property confiscated by a State Party pursuant to paragraph 1 or paragraph 4 of this article shall, [without prejudice to the rights of bona fide third parties], be returned to its bona fide lawful owner where such owner can be identified. In other respects, said proceeds or property shall be disposed of by that Party according to its domestic law and administrative procedures.

(b) When acting on the request of another State Party in accordance with this article, a Party may give special consideration to concluding agreements on:

(i) Contributing the value of such proceeds and property, or funds derived from the sale of such proceeds or property, or a substantial part thereof, to intergovernmental bodies specializing in the fight against organized crime;

(ii) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds or property, or funds derived from the sale of such proceeds or property, in accordance with its domestic law, administrative procedures or bilateral or multilateral agreements entered into for this purpose (1988 Convention, article 5, paragraph 5, with the modification of paragraph 5 (a)).

6. (a) If proceeds of crime have been transferred or converted into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

(b) If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to seizure or freezing, be liable to confiscation up to the assessed value of the intermingled proceeds.

(c) Income or other benefits derived from:

(i) Proceeds of crime;

(ii) Property into which proceeds of crime have been transformed or converted; or

(iii) Property with which proceeds of crime have been intermingled

shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds (1988 Convention, article 5, paragraph 6).

7. Each State Party may consider ensuring that the onus of proof is reversed regarding the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such action is consistent with the principles of its domestic law and with the nature of the judicial and other proceedings (1988 Convention, article 5, paragraph 7).

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties (article 7, paragraph 4, of the United States draft and 1988 Convention, article 7, paragraph 8).

9. Cooperation under this article may be refused if the offence to which the request relates would not be an offence in the context of criminal organization if committed within its jurisdiction (Germany).

Article 8. Transparency of transactions

1. States Parties shall implement measures to detect and monitor the physical transportation of cash and bearer negotiable instruments at the border, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of legitimate capital movements.

2. In order to improve understanding and information on the detection of financial networks linked to organized transnational crime, States Parties shall take measures to gather financial information and, as much as possible, facilitate the exchange of such information, including exchanges between law enforcement agencies and regulatory bodies (article 11 of the United States draft).

Article 9. Jurisdiction

(Options 1 and 2 were combined to form the text below. "Option 3" has been transferred to the chapter on mutual legal assistance). Paragraph 3 of option 2 has been transferred to the chapter on extradition.

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 3 and 4 when the offence is committed in the territory of that State or on board a vessel or aircraft registered in that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) The alleged offender is a national of that State;

(b) The offence was committed against [that State or] a national of that State [; or]

[(c) The offence has substantial effects in that State.]

[2 bis. Paragraph 2 may also apply to other offences covered by this Convention (Finland).]

4. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

5. The provisions of this article shall not affect the obligations with regard to the establishment of jurisdiction over offences pursuant to any other multilateral treaty (article 2 of the United States draft, as amended).

6. In a case where more than one State claims jurisdiction over an offence covered by the present Convention, the States concerned undertake to effectively coordinate their actions, particularly regarding the conditions of exercising prosecution and the modalities of recourse to mutual assistance (France).

[7. A State Party shall inform the Secretary-General of the establishment of jurisdiction under paragraph 2 (the Russian Federation).]

Article 10. Extradition

1. This article shall apply to the offences established by the States Parties in accordance with article ____, paragraph ____.

2. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. The Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them (Incorporates second paragraph 2 and option 2, paragraph 1).

Option 1, paragraph 3

3. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may [, at its option,] consider this Convention as the legal basis for extradition in respect of any offence to which this article applies

[Extradition shall be subject to the other conditions provided by the law of the requested State]. The Parties which require detailed legislation in order to use this Convention as a legal basis for extradition shall consider enacting such legislation as may be necessary.

Option 2, paragraph 3

3. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it shall consider this Convention as the legal basis for extradition in respect of any offence to which this article applies. [Extradition shall be subject to the other conditions provided by the law of the requested State]. The Parties which require detailed legislation in order to use this Convention as a legal basis for extradition shall consider enacting such legislation as may be necessary (Second paragraph 2).

4. States Parties which do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves [, subject to the conditions provided by the law of the requested State].

Option 1, paragraph 5

5. Extradition shall be subject to the conditions provided for by the law of the requested State Party or by applicable extradition treaties, including the grounds upon which the requested Party may refuse extradition.

Option 2, paragraph 5

5. With respect to the offences as defined/covered in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent necessary to give effect to the provisions of this Convention (Option 2, paragraph 7).

[6. The offences set forth in article(s) ____ shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.] (Option 2, paragraph 4).

Option 1, paragraph 7

7. In considering requests received pursuant to this article, the requested State may refuse to comply with such requests where there are substantial grounds leading its judicial or other competent authorities to believe that compliance would facilitate the prosecution or punishment of any person on account of his race, religion, nationality or political opinions, or would cause prejudice for any of those reasons to any person affected by the request.

Option 2, paragraph 7

7. Extradition shall not be granted if the requested State Party has substantial grounds for believing that a request for extradition has been made for the purpose of prosecuting or punishing a person on account of his race, religion, [gender,] nationality or political opinion, or that a person's position may be prejudiced for any of these reasons.

[8. Cooperation under this article or under article(s) ____ may be refused if the offence to which the request relates would not be an offence in the context of criminal organization if committed within its jurisdiction] (Chapter 13, option 2, paragraph 8).

[9. For purposes of extradition between the States Parties, none of the offences set forth in article(s) ____ shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives] (Option 2, paragraph 5).

10. States Parties shall endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

11. Subject to the provisions of its domestic law and its extradition treaties, the requested States Parties may, upon being satisfied that the circumstances so warrant and are urgent, and at the request of the requesting Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his presence at extradition proceedings. [Such State shall immediately make a preliminary inquiry, in accordance with its own laws.]

12. Without prejudice to the exercise of any criminal jurisdiction established in accordance with its domestic law, a State Party in whose territory an alleged offender is found shall:

(a) If it does not extradite him in respect of an offence established in accordance with article ____, paragraph ____, on the grounds set forth in article ____, paragraph ____, subparagraph ____, submit the case to its competent authorities for the purpose of prosecution, unless otherwise agreed with the requesting State Party;

(b) If it does not extradite him in respect of such an offence and has established its jurisdiction in relation to that offence in accordance with article ____, paragraph ____, subparagraph ____, submit the case to its competent authorities for the purpose of prosecution, unless otherwise requested by the requesting State Party for the purposes of preserving its legitimate jurisdiction.

13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested Party shall, if its law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence which has been imposed under the law of the requesting Party, or the remainder thereof.

14. States Parties shall seek to conclude bilateral and multilateral agreements to carry out or to enhance the effectiveness of extradition.

15. States Parties may consider entering into bilateral or multilateral agreements, whether ad hoc or general, on the transfer to their country of persons sentenced to imprisonment and other forms of deprivation of liberty for offences to which this article applies, in order that they may complete their sentences there (1988 Convention, article 6).

2. Deleted (same as paragraph 2).

3. Deleted (incorporated as paragraph 3, option 2).

4. Deleted (incorporated in paragraph 4 as amended).

Option 2

1. Deleted (same as paragraph 2).

2. Deleted (incorporated in paragraph 3, option 1).

3. Deleted (incorporated in paragraph 4 as amended).

4. Moved to paragraph 6.

5. Moved to paragraph 9.

6. Moved to article 12 as option 2 *bis*.

7. Deleted (incorporated as paragraph 5, option 2).

Article 11. Obligation to extradite or prosecute (aut dedere aut judicare)

Option 1

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established by this Convention, where the alleged offender is present in its territory and, solely on the basis of the nationality of the person sought, it does not extradite that person or conditionally extradite that person for trial pursuant to article(s) ____ to any of the States Parties that have established their jurisdiction in accordance with this article (United States).

Option 2

1. The State Party in the territory of which the offender or the alleged offender is found, if [, solely on the basis of the nationality of the person sought,] it does not extradite that person or [temporarily transfer] [conditionally extradite] that person for trial pursuant to article(s) ____, shall be obliged, upon request of the State Party seeking extradition or transfer, in cases where article(s) ____ applies, whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State (Includes article 12, option 2).

2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article(s) ____ shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the law of the State in the territory of which that person is present (article 3 of the United States draft, as amended).

Article 12. Extradition of nationals

Option 1

1. Each State Party shall consider necessary legislative measures, including extradition of its nationals, if the extradition is requested in respect of any offence defined in article(s) ____ of the present Convention.

2. Extradition of a national may be granted on the condition that the sentence pronounced abroad will be executed in the requested State (article 7 of the Polish draft, as amended).

Option 2 incorporated into article 11, option 2.

Option 2 *bis*

If a State Party denies extradition to another State Party for an offence set forth in article(s) ____ because the person sought is a national of the requested Party, the requested Party shall, upon request of the requesting Party, transfer the person to the requesting Party for trial or other proceedings and the person transferred shall be returned to the requested Party to serve any sentence imposed in the requesting Party as a result of the trial or proceedings for which transfer was made (Chapter 10, option 2, paragraph 6).

Option 3

1. If a State Party does not extradite its nationals, said Party shall undertake to periodically review its domestic legislation in order to determine whether extradition or conditional extradition of nationals might be permitted.

Article 13. Consideration of requests for extradition

Option 1

1. States Parties shall designate an authority, or when necessary authorities, which shall have the responsibility and power to execute requests for extradition or to transmit them to the competent authorities for execution. The Secretary-General shall be notified of the authority or authorities designated for this purpose. Transmission of requests for extradition and any communication thereto shall be effected between the authorities designated by the Parties. This requirement shall be without prejudice to the right of a Party to require that such requests and communications be addressed to it through the diplomatic channel.

Option 2

1. With a view to facilitating cooperation within the framework of the Convention, States Parties shall establish central authorities, which shall communicate directly between themselves. The central authorities shall be responsible for handling incoming and outgoing requests for extradition and mutual legal assistance (Russian Federation).

2. [Notwithstanding paragraph 1, States Parties], subject to their domestic legislation, shall consider simplifying extradition of consenting persons who waive formal extradition proceedings, by allowing direct transmission of extradition requests between appropriate ministries, and extraditing persons based only on warrants of arrests or judgements (article 6, paragraph 4, of the Polish draft, as amended).

3. Deleted (incorporated in article 10, paragraph 9).

4. Moved to article 10 as paragraph 7, option 2.

5. Deleted (incorporated in article 10, paragraph 11).

6. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

(a) To communicate with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to establish such communication or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) To be visited by a representative of that State (article 4, paragraph 2, of the United States draft).

7. The rights referred to in paragraph 6 of this article shall be exercised in conformity with the laws and regulations of the State Party in the territory of which the offender or the alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 5 of this article are intended (article 4, paragraph 3, of the United States draft).

Appendix II

DRAFT JOINT ACTION ADOPTED BY THE COUNCIL ON THE BASIS OF ARTICLE K.3 OF THE TREATY ON EUROPEAN UNION ON MAKING IT A CRIMINAL OFFENCE TO PARTICIPATE IN A CRIMINAL ORGANIZATION IN THE MEMBER STATES OF THE EUROPEAN UNION

The Council of the European Union,

Having regard to the Treaty on European Union, and in particular Article K.3(2)(b) thereof,

Having regard to the report of the High-Level Group on Organized Crime, approved by the Amsterdam European Council on 16 and 17 June 1997, and in particular Recommendation No. 17 of the Action Plan;

Whereas the Council considers that the seriousness and development of certain forms of organized crime require strengthening of cooperation between the Member States of the European Union, particularly as regards the following crimes and offences: drug trafficking; trafficking in human beings and terrorism, trafficking in works of art, money laundering, serious economic crime, extortion and other acts of violence against the life, physical integrity or liberty of a person, or creating a collective danger for persons;

Whereas in order to respond to the various threats with which Member States are confronted, a common approach to participation in the activities of criminal organizations is necessary;

Whereas Member States will endeavour to apply or facilitate the measures relating to the protection of witnesses and/or individuals who cooperate with the judicial process set out in the Council Resolutions of 23 November 1995 and 20 December 1996, when implementing this Joint Action,

Reiterating its confidence in the structure and functioning of the legal systems of the Member States and in their ability to guarantee a fair trial;

Whereas Member States intend to ensure that those who take part in the activities of criminal organizations do not escape investigation and prosecution in connection with the offences covered by this Joint Action. To that end, Member States will facilitate cooperation with the judicial process in the investigation and prosecution of such offences.

Convinced that all Member States *respect the rights and obligations as enshrined in* the European Convention for the Protection of Human Rights and Fundamental Freedoms, *and in particular its provisions on rights to freedom of peaceful assembly and to freedom of association*;[*]

Having examined the views of the European Parliament after consultation in accordance with Article K.6 of the TEU,[**]

Has adopted this Joint Action

Article 1

Within the meaning of this Joint Action, a criminal organization shall mean a lasting, structured association of more than two persons, acting in concert with a view to committing crimes or other offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years[***] or a more serious penalty, whether such crimes or offences are an end in themselves or a means of obtaining material benefits and, if necessary, of improperly influencing the operation of public authorities.[****]

The crimes or other offences referred to in the first paragraph include those mentioned in Article 2 of the Europol Convention and in the Annex thereto and carry a sentence at least equivalent to that provided for in the first paragraph.

Article 2

To assist the fight against criminal organizations, each Member State shall undertake, in accordance with the procedure laid down in Article 6, to ensure that one or both[*****] of the types of conduct described in paragraph 1 or paragraph 2 are punishable by effective, proportionate and dissuasive criminal penalties:

1. Conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organization or the intention of the organized group to commit the offences in question, actively takes part in:

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[*] Belgium indicated that it might wish to make a declaration.

[**] Opinion delivered on 20 November 1997 (not yet published in the Official Journal).

[***] The Spanish delegation maintained its reservations, subject to further consultations with its authorities and subject to consideration of a global compromise in the context of the amendment in Article 2, paragraph 3.

[****] Scrutiny reservation by Belgium subject to finding a solution on the preamble language regarding human rights protection.

[*****] Opinion delivered on 20 November 1997 (not yet published in the Official Journal).

- The criminal organization's activities referred to in Article 1, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offences concerned are not actually committed,

- The organization's other activities in the further knowledge that his participation[*] will contribute to the achievement of the organization's criminal activities as referred to in Article 1.[**]

2. Conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of a crime or offence *as referred to in Article 1*, even if that person does not take part in the actual execution of the activity.

3. Irrespective of whether they have elected to make the type of conduct referred to in paragraph 1 a criminal offence or that in paragraph 2, Member States will afford one another the most comprehensive assistance possible in respect of the offences covered by this Article, as well as those offences covered by Article 3, paragraph 4 of the Convention relating to extradition between the Member States of the European Union, drawn up by the Council on 27 September 1996.[***]

Article 3

Each Member State shall verify that legal persons may be held criminally, or failing that, otherwise liable for offences referred to in Article 2 which are committed by that legal person, in accordance with procedures to be laid down in national law. Such liability[****] of the legal person shall be without prejudice to the criminal liability of the natural persons who were the perpetrators of the offences of their accomplices. Each Member State shall ensure, in particular, that legal persons may be penalized in an effective, proportionate and dissuasive manner and that material and economic sanctions may be imposed on them.[*****]

Article 4

Each Member State shall verify that types of conduct referred to in Articles 2(1) or 2(2)[†] which took place in its territory are subject to prosecution wherever in the territory of the Member States the organization is based or pursues its criminal activities, or wherever the activity covered by the agreement referred to in Article 2(2) takes place.

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[*] Maintained reservation by the Danish delegation which wanted to make a statement and to add "effective" or "concrete" before "participation" or "will contribute effectively [or as an alternative concretely] to ..."

[**] Reservation by Spain; opinion delivered on 20 November 1997 (not yet published in the Official Journal).

[***] Several delegations indicated that, if the underlined sentence was adopted, they could accept the text of the draft within the context of a global compromise. Scrutiny reservations by NL and FIN.

[****] The Danish version of the text will be examined by the Jurist/Linguists. Denmark indicated that it might wish to make a declaration.

[*****] See statement by A attached.

[†] Reservation from E linked to maintenance of Article 2(2). Opinion delivered on 20 November 1997 (not yet published in the Official Journal).

Whether several Member States have jurisdiction in respect of acts of participation in a criminal organization, these States shall consult one another with a view to coordinating their action in order to prosecute effectively, taking account in particular of the location of the organization's different components in the territory of the Member States concerned.[*]

Article 4a

1. In cases where the Convention relating to extradition between the Member States of the European Union, drawn up by the Council on 27 September 1996, applies, this Joint Action shall not affect in any manner whatsoever the obligations under the Convention or the interpretation thereof.

2. Nothing in this Joint Action shall prevent a Member State from making punishable conduct in relation to a criminal organization which is of broader scope than that defined in Article 2.

Article 5

During the year following the entry into force of this Joint Action, appropriate proposals for implementing it shall be submitted by each Member State for consideration by the competent authorities with a view to their adoption.[**]

Article 6

This Joint Action shall be published in the Official Journal. It shall enter into force on the day of its publication.

Done at Brussels,

For the Council

The President

Draft Council statement

"The Council will assess between now and the end of December 1999 Member States' compliance with their obligations under this Joint Action, with particular reference to implementation of Article 2 thereof. It may then decide to continue this assessment on a regular basis.

"To that end, the Council will receive a report, based on the information provided by Member States, in accordance with the assessment mechanism adopted by the Council on ..., which will:

- describe progress in implementing this Joint Action,

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[*] See statement by D attached.

[**] The text of the Swedish version will be examined by the Jurist/Linguists.

- outline the national measures applied under this Joint Action, and, in particular, consider practices used in prosecuting the offences covered by this Joint Action,

- consider any measure needed to achieve more effective judicial cooperation on the offences covered by this Joint Action, by examining *inter alia* time limits for judicial cooperation and whether the double criminality condition contained in national legislation hampers judicial cooperation between Member States,

- explain, where appropriate, why implementation of this Joint Action has been delayed."

Statement by the Austrian delegation re Article 3

"Austria refers to the possibility afforded it in Article 18(2) of the second Protocol to the Convention on the protection of the European Communities' financial interests (OJ No C 221, 19.7.1997, p. 11) not to be bound by Articles 3 and 4 of that Protocol for five years, and hereby states that it will fulfil its obligations under Article 3 of the Joint Action within the same period."

Statement by the German delegation re Article 4(2)

"Germany assumes that in the consultations provided for in the second paragraph of Article 4 as now worded, due account will be taken of the main focus, i.e. area of operation, of the criminal organization or a component thereof."

Appendix III

PROPOSAL SUBMITTED BY AZERBAIJAN

1. Section 10, paragraph 6, should be redrafted as follows:

"Extradition shall not take place if:

(a) In respect of the person whose extradition is requested, criminal proceedings have been instituted or a judgement rendered by the judicial authorities of the requested State;

(b) By the date of receipt of the extradition request the statute of limitations in respect of the criminal case has elapsed under the legislation of one of the States;

(c) The act giving rise to the extradition request is deemed a political offence;

(d) The person whose extradition is requested is under the age of 18 years;

(e) The person whose extradition is requested is at risk of being subjected to persecution or discrimination on the grounds of race, religion, sex, nationality, language or political convictions;

(f) As at the date of receipt of the extradition request, the person whose extradition is requested is a citizen of the requested State;

(g) The act giving rise to the extradition request was committed entirely or in part in the territory of the requested State."

Appendix IV

JAPANESE NON-PAPER
(TENTATIVE AND NON-COMMITTAL)

Scope of application

In terms of the scope of application, the Japanese delegation presents the following tentative proposal:

(a) States Parties shall commit themselves to combating organized transnational crime. For that purpose, unless other wise provided, this Convention shall apply to serious crime which is punishable by imprisonment or other deprivation of liberty for not less than [X] years;

(b) Article(s) [such as for extradition, jurisdiction, mutual legal assistance] shall apply, when serious crime, as defined in paragraph (a) of this article, is committed in an organized and/or transnational manner.

* No further definition of "organized" or "transnational".

Notes:

1. In the course of an elaboration of an international convention against organized transnational crime, it has become clear that the task of precisely defining "organized transnational crime", or crime of a "transnational" or "organized" nature is an extremely difficult one. In the light of this difficulty, we have supported an approach that the convention shall apply to a serious offence which is punishable by imprisonment or other deprivation of liberty of not less that [X] years, as illustrated in option 1.

2. For option 1, some countries have expressed concerns that this approach would lead to an "international convention against serious crime," and the scope of application would become too broad. However, we believe that the objectives to effectively countering organized transnational crime can be better served and the mandate to elaborate an international convention against transnational organized crime can be better fulfilled by this approach. This is because, besides the problem of precise definition of "organized transnational crime", insistence on subsuming an "organized" and/or "transnational" element in the scope of application in a uniformed manner would significantly undermine the effectiveness and objective of the Convention. In terms of money-laundering, for example, if these elements are to be included under this Convention as constituting elements for both predicate offence and the act of money-laundering itself, the scope of these offences will be substantially narrowed.

3. Moreover, in view of various aspects of organized transnational crime and characteristic of countermeasures against it, we believe that option 1 should be supplemented as we suggest at the outset of this non-paper. In determining the scope of application, we should take into account the fact that there are some tools and measures which should be applied to certain types of offences with organizational and/or transnational elements. We are of the view that the scope of application should be primarily delineated by the seriousness, in other words penal sanction. Regarding the scope of application for certain tools, however, such as extradition, jurisdiction and mutual legal assistance, it should require organizational and/or transnational elements.

On the other hand, if we require these elements in money-laundering, it will make the scope of money-laundering too narrow to be effective.

4. The Japanese delegation also suggests as to how to discuss the scope issue. We believe that it would be practical and effective to discuss the scope issue. We believe that it would be practical and effective to discuss the issue through the inductive approach. In other words, after completing identification of tools and measures to be addressed in the convention, we should discuss the following points:

(1) Whether each tool or measure needs organizational element and/or transnational element;

(2) Whether it is appropriate to require such element to apply certain tool or measure;

(3) What sort of problem will come up by incorporating such an element?

If the outcome of such discussion supports the incorporation of these elements into a certain measure, we should pick up the measures and list the articles relevant to it in subparagraph (b).

Annex IV

REPORT OF THE WORKING GROUP ON UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

1. The working group on United Nations standards and norms in crime prevention and criminal justice considered the topics presented below.

A. Information-gathering system on the use and application of United Nations standards and norms in crime prevention and criminal justice

2. The working group reviewed the current information-gathering process, considered draft questionnaires and the selection of a new set of instruments to be included in the information-gathering process. The working group had before it the report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/8), the addendum to that report, focusing on the use and application of juvenile justice standards (E/CN.15/1998/8/Add.1) and draft questionnaires on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/CRP.3). The working group agreed that the information-gathering process was useful in monitoring the extent to which United Nations standards and norms were applied in law and practice by Member States and that it offered a good basis for the analysis of technical assistance needs. It was noted that the process of information-gathering should rely not only on information provided by Governments but also on other sources of information. Research institutions should be encouraged to analyse the information received. A number of speakers stressed that the large number of questionnaires called for in different areas by legislative bodies put a heavy burden on many Governments. Often, administrations were obliged to use scarce resources for compiling the information required. It was suggested that training be considered for government officials in charge of replying to the questionnaires. The tasks envisaged would require the provision of additional resources. The working group discussed the issue of how to balance the various programme activities envisaged by Member States. It was stressed that that issue would require further discussion by the Commission on Crime Prevention and Criminal Justice.

3. The working group considered the draft questionnaires on the use and application of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex), the Guidelines on the Role of Prosecutors[a] and the Basic Principles on the Role of Lawyers.[b] The working group recommended that the Economic and Social Council endorse the questionnaires. It was understood that, until adoption of the resolution concerned by the Council in July 1998, Member States would have the possibility to comment on the draft questionnaires and to suggest changes. The working group decided to request the Secretariat to report on the results of the surveys to the Commission at its ninth session. The working group also decided to include in the information-gathering system the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/191, annex), the United Nations Declaration on Crime and Public Security (General Assembly resolution 51/60, annex) and the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex).

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[a] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

[b] Ibid., sect. B.3, annex.

B. Administration of juvenile justice

4. Regarding the issue of juvenile justice, the fact that the different United Nations entities were closely coordinating their activities with regard to technical assistance in juvenile justice was appreciated. Close cooperation with the Committee on the Rights of the Child was essential. The working group made recommendations on a working paper on the administration of juvenile justice.

C. Victims of crime and abuse of power

5. The working group took note of the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4) and the handbook on justice for victims on the use and application of that Declaration (E/CN.15/1998/CRP.4/Add.1); it was suggested that they should be made available as United Nations publications, in all official languages of the United Nations and widely disseminated. A discussion was held on a working paper on victims of crime and abuse of power, dealing with, *inter alia*, the creation of a database on national practical experience and relevant case law and legislation, the establishment of an international fund for victims and the possibility of setting up a coordination panel. The working group also focused its attention on a plan of action for the implementation of the Declaration that had been recommended by the Fourth Expert Group Meeting on Victims of Crime and Abuse of Power, held at Washington, D.C., from 26 to 27 February 1998 (E/CN.15/1998/CRP.8).

D. Status of foreign citizens in criminal proceedings

6. The working group took note of the need to consider the particular situation that foreign citizens might face in criminal proceedings. Provisions should be made to ensure that foreign citizens were not deprived of universally recognized rights with regard to prosecution. That included the possibility for foreigners in detention to communicate with their consular authorities and to request assistance in cases of arrest, preventive detention or criminal proceedings, in accordance with article 36 of the Vienna Convention on Consular Relations.[c] Interpretation services should be provided free of charge.

E. Crime prevention

7. The working group reaffirmed that the theme for the eighth session of the Commission would be "Crime prevention". It was recommended by several speakers that items on the agenda should include the implementation of General Assembly resolution 52/86, on crime prevention and criminal justice measures to eliminate violence against women, and the elements of responsible crime prevention standards and norms.

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[c] United Nations, *Treaty Series*, vol. 596, No. 8638.

Annex V

DRAFT INTERNATIONAL CONVENTION AGAINST THE SMUGGLING OF ILLEGAL MIGRANTS AND THE DRAFT PROTOCOL AIMING AT COMBATING THE TRAFFICKING AND TRANSPORT OF MIGRANTS BY SEA

A. Draft international convention against the smuggling of illegal migrants

The States Parties to the present Convention,

Concerned about the threat posed by the rapid development of smuggling of illegal migrants,

Concerned that an increasing number of migrants are being smuggled for reasons of prostitution and sexual exploitation,

Convinced that the smuggling of illegal migrants is often connected with particularly heinous forms of transnational exploitation of individuals in distress,

Convinced that only a global approach to the phenomenon of illegal migration including socio-economic measures can lead to an extinction of this crime,

Desiring to conclude an effective international convention directed specifically against the smuggling of illegal migrants as a first step,

Have agreed on the following:

Article 1

Any person who intentionally procures, for his or her profit, repeatedly and in an organized manner, the illegal entry of persons into another State of which such persons are not nationals or permanent residents, commits the offence of "smuggling of illegal migrants" within the meaning of the present Convention (hereinafter called "the offence").

Article 2

Any person who attempts, or who commits an act constituting participation as an accomplice in, any such smuggling, in an attempt to commit such smuggling, or organizing or ordering others to commit such smuggling likewise commits the offence.

Article 3

For the purpose of the present Convention:

(a) "Illegal entry" means the crossing of borders without fulfilling the necessary requirements for legal entry into the receiving State; and

(b) "Profit" means any financial or other material benefit deriving from the commission of the offence.

Article 4

1. Each State Party shall make the offences enumerated in articles 1 and 2 of the present Convention punishable by appropriate penalties which take into account their grave nature.

2. Each State Party shall take the necessary measures to enable the judiciary to deprive persons committing such offences of all profit derived therefrom.

3. A person whose illegal entry is procured or intended by such smuggling shall not become punishable on account of such smuggling.

Article 5

1. Each State Party shall take legislative measures to establish its jurisdiction over the offences mentioned in articles 1 and 2 of the present Convention in the following cases:

(a) When the offence is committed in the territory of that State or on board a vessel or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the alleged offender is present in its territory and it does not extradite him or her.

2. For the purpose of this article, the illegal entry into the territory of another State Party shall be considered equal to the illegal entry into the territory of the State Party concerned.

3. The present Convention does not exclude any criminal jurisdiction exercised in accordance with domestic law.

4. If more than one State Party intends to resume jurisdiction over an alleged offender in accordance with this article, the States Parties concerned shall consider renouncing jurisdiction in order to render possible proceedings in the State Party most directly affected by the commission of the smuggling.

Article 6

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its domestic law to ensure his or her presence for the purpose of prosecution and extradition. Such measures shall be communicated without delay to:

(a) All States in which the offence was committed or that have been or should have been affected thereby or that have established their jurisdiction over the offence;

(b) The State of which the alleged offender is a national or, if he or she is a stateless person, in whose territory he or she permanently resides.

Article 7

The State Party in whose territory the alleged offender is present shall, if it does not extradite him or her, submit, without exception whatsoever and without undue delay, the case to its competent authorities, for the purpose of prosecution, through proceedings in accordance with domestic law.

Article 8

1. The offences shall be deemed to be included as extraditable offences in any extradition treaty between States Parties. The States Parties undertake to include the offences as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it shall consider the present Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. The States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences as extraditable offences between them, subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territory of the States required to establish their jurisdiction in accordance with paragraph 1 of article 4.

5. The States Parties, subject to their domestic legislation, shall consider simplifying extradition of consenting persons who waive formal extradition proceedings by allowing direct transmission of extradition requests between appropriate ministries and extraditing persons based only on warrants of arrest or judgements.

Article 9

1. The offences shall not be considered political offences for the purpose of the present Convention.

2. Extradition shall not be granted if the requested Party has substantial grounds for believing that a request for extradition has been made for the purpose of prosecuting or punishing a person on account of his or her race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.

Article 10

Any person regarding whom proceedings are being carried out in connection with any of the offences shall be guaranteed fair treatment at all stages of the proceedings.

Article 11

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences, including the supply of all evidence at their disposal necessary for their proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

Article 12

1. For the purpose of examining the progress made by the States Parties in achieving the realization of the obligations undertaken in the present Convention, the States Parties will provide periodic reports to the Commission on Crime Prevention and Criminal Justice.

2. The States Parties will provide such reports within two years after the entry into force of the Convention for the State Party concerned, and thereafter every five years.

Article 13

The provisions of the present Convention shall be without prejudice to the obligations of States Parties under the Convention relating to the Status of Refugees.

Article 14

1. The present Convention is open for signature to all States until ... at United Nations Headquarters in New York.

2. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Convention is open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 15

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twentieth instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the present Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of the instrument of ratification or accession.

Article 16

1. Any State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 17

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

B. Protocol aiming at combating the trafficking and transport of migrants by sea

Preamble

The States Parties to this Convention,

Deeply concerned about the escalation of migration flows arriving by sea, which not only undermine the legal order in the countries concerned, but often - given the condition of ships towards which migration flows are directed - also jeopardise the safety of navigation and the security of human beings at sea, seriously affecting the operation of maritime services and undermining the confidence of the peoples of the world in maritime services,

Considering that these flows are a matter of grave concern to the international community as a whole,

Aware of the urgent need to develop—in the framework of the discipline enshrined in the Montego Bay Convention on the Law of the Sea, as well as in the 1979 Hamburg Convention on Maritime Search and Rescue—international cooperation between States in devising and adopting incisive and effective measures aimed at preventing and combating the trafficking and transport of migrants arriving by sea,

Have agreed as follows:

Article I

1. This Protocol applies to the activities related to the trafficking and transport of migrants taking place by sea through the employment of ships.

2. "Ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submarines, or any other floating craft.

3. This Protocol does not apply to:

(a) warships; or

(b) ships owned or operated by a State when being used for non commercial government purposes.

Article II

1. The Parties shall cooperate to prevent and combat the trafficking and transport of migrants arriving by sea, in accordance with international maritime law.

2. The Parties shall adopt every legislative and administrative measure needed in order to comply with the obligations deriving from this Protocol, in the respect for the principles of sovereignty, territorial integrity and non-interference in internal affairs.

3. The Parties shall encourage the conclusion of bilateral or regional agreements or understandings aimed at establishing the most appropriate and effective measures to prevent, combat and limit illegal migrations by sea, in accordance with this Protocol.

Article III

1. Nothing in this Protocol shall affect in any way the rules of international law concerning the exercise of:

(a) state powers related to investigations or to the accomplishment of administrative functions on board of ships not flying their flag;

(b) the right of any State to adopt, in international waters, the measures under Article V, paragraph 2, of this Protocol, with respect to a ship having no nationality or flying the flags of more than one country and using them at its convenience, when reasonable grounds exist to believe that it is involved in the trafficking of migrants, provided that one of the following links with that State exists:

- based on its route, the ship is undoubtedly bound for its coasts;

- the ship is armed, or governed or manned by nationals.

2. If a measure is taken in implementation of this Article, the Parties concerned shall take into due account the need not to impair the security of human life at sea and the safety of the ship and its cargo, as well as the commercial and legal interests of any other State concerned and those of the State of which migrants and the crew are nationals.

Article IV

Each State Party which has reasonable grounds to believe that a ship flying its flag - or flying no flag, or a ship which, even if flying a foreign flag or rejecting to fly its flag, has actually the same nationality as the ship exercising the right under point 1 (b) of Article 3 above - is involved in the trafficking of migrants, may request the assistance of other Parties to combat this trafficking. The requested Parties shall offer any reasonable assistance necessary in order to achieve this goal.

Article V

1. Each State Party which has reasonable grounds to believe that a ship flying the flag of or registered with another State Party, navigating freely in accordance with international law, is involved in the trafficking of migrants, may notify the State whose flag it flies, request a verification of the registration and, after receiving confirmation, may request authorisation to adopt the necessary measures to guarantee the control and containment of the flow of individuals bound for its territory, which may include verifying the ship's right to fly its flag, stopping the ship, boarding it and diverting it.

2. Activities related to verifying the ship's right to fly that flag, stopping, boarding and diverting the ship shall be performed in the following manner:

(a) verifying the ship's right to fly her flag; the ship may be requested to give information on her nationality and the nationality of her crew, her port of departure and her destination;

(b) stopping the ship: the ship may be ordered to stop or to change course and reduce speed appropriately, following the procedures mentioned in point (a) above, so that a team of inspectors may board the vessel to ascertain the truth of the information communicated and whether any migrants are on board;

(c) on-board visit: when the ship is stopped or has changed course as ordered and at the speed ordered, the aforementioned inspection team shall board the ship to carry out the necessary verifications of documents and inspections, in order to ascertain whether it is involved in the trafficking of migrants;

(d) diversion: if the ship refuses to permit an on-board visit or if the on-board inspection reveals that irregularities are being committed, the ship shall be ordered to go back to the port of departure or to divert to the nearest port of a Contracting Party, designated according to Article VII of this Protocol, and the State of which the migrants are nationals shall be informed of the outcome of the on-board visit. If the ship fails to comply with this order, she shall be escorted to the prescribed destination.

3. No activity undertaken within the scope of this article may in any way jeopardise the safety of the ship or the commercial interests of the State whose flag she flies or of any other State, or interfere with the exercise of the rights of jurisdiction of any other coastal State.

4. Any State Party which has undertaken any action under the terms of this Article shall promptly notify the flag State of its final outcome.

5. Each State Party shall designate the competent authority - or competent authorities, where necessary - for receiving and responding to the requests referred to in paragraphs 1 and 2 of this Article. The designation shall be notified to the Secretary-General of the United Nations and to all the other Parties within one month of the designation.

6 All measures taken in order to comply with the provisions under Article III, paragraph 1 above, and paragraphs 2 and 3 of this Article shall be implemented only by warships or military naval craft, or by other ships or naval craft operated by the State and which are clearly marked and can easily be identified as such, and which are authorised by the relevant national authorities to carry out such operations together with the above-mentioned warships or military naval craft.

Article VI

This Protocol shall apply when:

(a) the ship on which the trafficking of migrants is underway is entering into the territorial waters of a Contracting Party;

(b) there are reasonable grounds to suspect that this ship is bound for entering or otherwise procures the illegal entry of migrants into the territory of a Contracting Party.

Article VII

Each State Party shall:

(a) designate as soon as possible the ports to which ship caught red-handed transporting migrants can be diverted;

(b) take control of the ships referred to in letter (a) above which are diverted to its ports in order to prevent the commission of further illegal activities;

(c) authorize the ship or the aircraft which is acting under article V of this Protocol to redeploy in the ports designated to this end for technical purposes;

(d) provide berthing facilities and water supplies for the port visits referred to in subparagraph (c) above.

Article VIII

1. When there are reasonable grounds to believe that a conduct is being held, as defined in Article 1 of this Protocol, the States parties that might be concerned for any reason shall cooperate and exchange any useful information, in accordance to their national legislation, and shall coordinate any other administrative measures among themselves.

2. Two or more contracting States may conclude agreements modifying or terminating the application of the provisions of the present Protocol and applying only to their mutual relations, provided that such agreements do not affect the provisions of the Convention or the Protocol, whose non-compliance would be incompatible with the effective achievement of the objective and purpose of this Protocol, and provided that such agreements do not impair the implementation of the fundamental principles set forth in the Convention and in the Protocol, and that the provisions contained in such agreements do not affect neither the rights enjoyed by the other Contracting States, nor the compliance with the obligations deriving from the Convention or from this Protocol.

Article IX

This Protocol forms an integral part of the Convention and supplements the provisions thereof with reference to the trafficking of illegal migrants by sea. None of the provisions contained therein can in any way undermine the application of the Convention itself.

Annex VI

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS SEVENTH SESSION

Document number	Agenda item	Title or description
E/CN.15/1998/1 and Corr.1	2	Adoption of the agenda and organization of work
E/CN.15/1998/1/Add.1	2	Proposed organization of work for the seventh session of the Commission on Crime Prevention and Criminal Justice
E/CN.15/1998/2	3	Report of the Secretary-General on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1998/2/Add.1/Rev.1	3	Draft discussion guide for the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1998/2/Add.2	3	Draft discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1998/3	4	Report of the Secretary-General on action against corruption and bribery
E/CN.15/1998/4	5	Report of the Secretary-General on measures to regulate firearms
E/CN.15/1998/5	6 (a)	Report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998
E/CN.15/1998/6	6 (a)	Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime, and other possible international instruments
E/CN.15/1998/6/Add.1	6 (a)	Report of the African Regional Ministerial Workshop on Action against Organized Crime and Corruption, held at Dakar from 21 to 23 July 1997

Document number	Agenda item	Title or description
E/CN.15/1998/6/Add.2	6 (a)	Report of the Asian Ministerial Workshop on Action against Organized Crime and Corruption, held at Manila from 23 to 25 March 1998
E/CN.15/1998/7	6 (b)	Note by the Secretary-General on mutual assistance and international cooperation in criminal matters
E/CN.15/1998/8	7	Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice
E/CN.15/1998/8/Add.1	7	Report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice
E/CN.15/1998/9	8 (a)	Report of the Secretary-General on technical cooperation
E/CN.15/1998/10	9	Report of the Secretary-General on strategic management by the Commission on Crime Prevention and Crime Justice of the United Nations Crime Prevention and Criminal Justice Programme
E/CN.15/1998/10/Add.1	9	Nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1998/L.1 and Add.1-6 and 8-13	11	Adoption of the report of the Commission on its seventh session
E/CN.15/1998/L.1/Add.7	10	Draft decision submitted by the Chairman
E/CN.15/1998/L.2/Rev.1	8	Angola, Benin, Botswana, Brazil, Cape Verde, China, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Ghana, Lesotho, Malta, Portugal, Romania, Saudi Arabia, Slovenia, South Africa, Sudan, Togo, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, Zambia and Zimbabwe: revised draft resolution
E/CN.15/1998/L.3/Rev.1	6	Angola, Argentina, Austria, Azerbaijan, Belarus, Belgium, Benin, Canada, Cape Verde, Colombia, Costa Rica, Côte d'Ivoire, Finland, Georgia, Germany, Greece, Italy, Lebanon, Lesotho, Mauritius, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, South Africa, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Zimbabwe: revised draft resolution

Document number	Agenda item	Title or description
E/CN.15/1998/L.4/Rev.1	4	Angola, Argentina, Armenia, Azerbaijan, Bolivia, Brazil, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, Egypt, Finland, France, Germany, Greece, Ireland, Italy, Lebanon, Lesotho, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Sudan, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zambia: revised draft resolution
E/CN.15/1998/L.5/Rev.1	6 (b)	Argentina, Armenia, Australia, Azerbaijan, Benin, Bolivia, Brazil, Canada, Cape Verde, Colombia, Finland, Germany, Italy, Jamaica, Lesotho, Mauritius, Philippines, Portugal, Russian Federation, South Africa, Sweden, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia and Zimbabwe: revised draft resolution
E/CN.15/1998/L.6/Rev.1	5	Angola, Argentina, Australia, Azerbaijan, Benin, Bolivia, Botswana, Brazil, Canada, Cape Verde, Colombia, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, India, Ireland, Italy, Jamaica, Japan, Kuwait, Lebanon, Lesotho, Lithuania, Malta, Mexico, Netherlands, Norway, Panama, Paraguay, Philippines, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Sudan, Swaziland, Thailand, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia and Zimbabwe: revised draft resolution
E/CN.15/1998/L.7/Rev.2	6	Angola, Argentina, Australia, Austria, Belgium, Benin, Canada, Côte d'Ivoire, Ecuador, Finland, Germany, Greece, Italy, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mexico, Philippines, Portugal, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Sudan, Swaziland, Sweden, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Zimbabwe: revised draft resolution

Document number	Agenda item	Title or description
E/CN.15/1998/L.8/Rev.1	8	Belarus, Bolivia, Brazil, Cape Verde, Colombia, Ecuador, Lebanon, Lesotho, Morocco, Philippines, South Africa, Togo, Tunisia, Turkey and United States of America: revised draft resolution
E/CN.15/1998/L.9/Rev.1	6	Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Botswana, Brazil, Canada, Cape Verde, Côte d'Ivoire, Croatia, Ecuador, Finland, France, Germany, Greece, Italy, Jamaica, Lebanon, Lesotho, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia: revised draft resolution
E/CN.15/1998/L.10/Rev.1	7	Angola, Argentina, Austria, Belgium, Botswana, Brazil, Canada, Cape Verde, Côte d'Ivoire, Finland, Germany, Greece, India, Ireland, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mauritius, Morocco, Netherlands, Portugal, Qatar, Russian Federation, Saudi Arabia, South Africa, Spain, Sweden, Togo, Tunisia, Ukraine, United States of America, Zambia and Zimbabwe: revised draft resolution
E/CN.15/1998/L.11/Rev.1	3	Preparations for the Tenth Congress on the Prevention of Crime and the Treatment of Offenders: revised draft resolution submitted by the Chairman
E/CN.15/1998/L.12/Rev.2	5	Algeria, Angola, Benin, Cape Verde, Colombia, Greece, India, Jamaica, Kuwait, Philippines, Sudan and Togo: revised draft resolution
E/CN.15/1998/L.13	7	Botswana, Brazil, Colombia, Costa Rica, Ecuador, Lebanon, Syrian Arab Republic and Tunisia: draft resolution
E/CN.15/1998/L.14/Rev.1	9	Algeria, Argentina, Austria, Azerbaijan, Belarus, Botswana, Finland, Japan, Lebanon, Lesotho, Netherlands, Russian Federation, Saudi Arabia, South Africa, Sweden, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia: revised draft resolution
E/CN.15/1998/CRP.1	6, 7 and 8	Poverty eradication and mainstreaming the gender perspective into all policies and programmes in the United Nations system

Document number	Agenda item	Title or description
E/CN.15/1998/CRP.2	9	Report of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme
E/CN.15/1998/CRP.3	7 (b)	Questionnaires on the use and application of United Nations standards and norms in crime prevention and criminal justice (the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers)
E/CN.15/1998/CRP.4	7 (b)	Guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
E/CN.15/1998/CRP.4/Add.1	7 (b)	Handbook on justice for victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
E/CN.15/1998/CRP.5	8 (b)	Report on the activities undertaken and results achieved by the informal consultative group on resource mobilization
E/CN.15/1998/CRP.6	8 (b)	Updated version of the compendium of technical cooperation projects
E/CN.15/1998/CRP.7	9	Report of the bureau of the Commission on Crime Prevention and Criminal Justice at its sixth session on the inter-sessional consultations held in 1997 and 1998
E/CN.15/1998/CRP.8	7 (b)	Report of the Fourth Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Washington D.C, from 26 to 27 February 1998.
E/CN.15/1998/CRP.9	6	Letter dated 8 April 1998 from the Permanent Representative of Mexico to the United Nations addressed to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention
E/CN.15/1998/CRP.10	6	Memorandum made available to the Commission on Crime Prevention and Criminal Justice at the request of the Permanent Representatives of Austria and Italy to the United Nations (Vienna)

Document number	**Agenda item**	**Title or description**
E/CN.15/1998/CRP.11	6	Recommendations of the African Institute for the Prevention of Crime and the Treatment of Offenders workshops on extradition and mutual legal assistance in criminal matters in Africa
E/CN.15/1998/NGO/1	6	Statement submitted by the Asia Crime Prevention Foundation, a non-governmental organization in special consultative status with the Economic and Social Council
E/CN.15/1998/NGO/2	6 (a)	Statement submitted by International Council of Women, International Federation of Business and Professional Women, Rotary International, Zonta International (non-governmental organizations in general consultative status with the Economic and Social Council); All India Women's Conference, Baha'í International Community, Caritas Internationalis (International Confederation of Catholic Charities), HelpAge International, Howard League for Penal Reform, International Association of Lions Clubs—Lion's Club International, International Council of Jewish Women, International Council on Alcohol and Addictions, International Federation of Social Workers, International Federation of University Women, International Society of Social Defense, Italian Centre of Solidarity, National Council of German Women's Organi-zations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Socialist International Women, World Association of Girl Guides and Girl Scouts, World Organi-zation of the Scout Movements (World Scout Bureau) (non-governmental organizations in special consultative status with the Economic and Social Council); and European Union of Women, International Inner Wheel and International Round Table for the Advancement of Counselling (roster)
E/CN.15/1998/NGO/3	6	Statement submitted by the Centro Nazionale di Prevenzione e Difesa Sociale, a non-governmental organization in special consultative status with the Economic and Social Council
E/CN.15/1998/NGO/4	7	Statement submitted by Penal Reform International, a non-governmental organization in special consultative status with the Economic and Social Council

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